1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF OHIO
3	EASTERN DIVISION
4	
5	
6	************
7	IN RE:
8	NATIONAL PRESCRIPTION OPIATE MDL No. 2804
	LITIGATION Case No. 17-md-2804
9	Hon. Dan A. Polster
	This document relates to:
10	
	All cases
11	

12	
13	HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
14	CONFIDENTIALITY REVIEW
15	VIDEOTAPED DEPOSITION OF:
16	AMY PROPATIER
17	MOTLEY RICE
18	55 Cedar Street
19	Providence, Rhode Island
20	November 29, 2018 9:15 a.m.
21	
22	Darlene M. Coppola
23	Registered Merit Reporter
24	Certified Realtime Reporter

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²³ (Continued on the next page	gc)	23			
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8 BY: PAUL M. MANN	JIX ESOLURE 1	10]	Propatier	-CVS Description	Page
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1	Page 14	1	Page 16
1	THE VIDEOGRAPHER: We are now on	1	for the distribution centers, so I was support
2	the record. My name is Robert Martignetti.	2	between the distribution centers and the
3	I'm a videographer for Golkow Litigation	3	corporate office, just helping them contact
4	Services. Today's date is November 29, 2018	4	people in the corporate office for support for
5	and the time is 9:15 a.m. This is this video	5	store ordering, standard operating procedures.
6	deposition is being held in Providence, Rhode	6	Q. Where did you move to in 2006?
7	Island. In re: National Prescription Opiate	7	A. In 2006?
8	Litigation. The deponent is Amy Propatier.	8	Q. What was your position in 2006?
9	Counsel will be noted on the stenographic	9	A. Oh, it was still it was called
10	record. The court reporter is Darlene Coppola	10	hazardous material and logistics liaison.
11	and will now swear in the witness.	11	Q. What did you do in 2007?
12		12	A. The same position.
13	AMY PROPATIER,	13	Q. What did you do in 2008?
14	witness, having first been	14	A. My position changed to logistics Rx
15	satisfactorily identified and duly sworn,	15	services manager.
16	testifies and states as follows:	16	Q. What is an Rx services manager?
17		17	A. It was a similar position. I was a
18	DIRECT EXAMINATION	18	liaison between the distribution center and
19	BY MR. BAKER:	19	the corporate office. I was doing ARCOS
20	Q. Good morning. My name's William	20	reporting, state drug reporting, SOP
21	Baker. Today's date is November 29, 2018 and	21	consolidation and maintenance, coding
22	we are here with Ms. Amy Propatier; is that	22	hazardous materials that came into the
23	correct?	23	distribution centers.
24	A. Propatier.	24	Q. What did you do in 2009?
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			- 1.51 - 1
1	Q. Propatier. Could you please tell us	1	_
1 2	Q. Propatier. Could you please tell us who your employer is?	1 2	_
			A. The same position.Q. What about 2010?
2	who your employer is?	2	A. The same position.
2 3	who your employer is? A. CVS Pharmacy.	2	A. The same position.Q. What about 2010?A. Same position.
2 3 4	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with	2 3 4	A. The same position.Q. What about 2010?A. Same position.Q. Have you maintained that same position
2 3 4 5	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy?	2 3 4 5	A. The same position.Q. What about 2010?A. Same position.Q. Have you maintained that same position since 2008?
2 3 4 5 6	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999.	2 3 4 5 6	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February
2 3 4 5 6 7	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999. Q. What was your position when you first	2 3 4 5 6 7	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February of 2014.
2 3 4 5 6 7 8	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999. Q. What was your position when you first came onboard in May of 1999?	2 3 4 5 6 7 8	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February of 2014. Q. To what?
2 3 4 5 6 7 8	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999. Q. What was your position when you first came onboard in May of 1999? A. I was the customer service rep for	2 3 4 5 6 7 8	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February of 2014. Q. To what? A. A pharmacy inventory manager.
2 3 4 5 6 7 8 9	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999. Q. What was your position when you first came onboard in May of 1999? A. I was the customer service rep for store services.	2 3 4 5 6 7 8 9	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February of 2014. Q. To what? A. A pharmacy inventory manager. Q. So if we were to describe what your
2 3 4 5 6 7 8 9 10	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999. Q. What was your position when you first came onboard in May of 1999? A. I was the customer service rep for store services. Q. Was that in retail?	2 3 4 5 6 7 8 9 10	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February of 2014. Q. To what? A. A pharmacy inventory manager. Q. So if we were to describe what your position was from 2006 through 2014, begin
2 3 4 5 6 7 8 9 10 11	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999. Q. What was your position when you first came onboard in May of 1999? A. I was the customer service rep for store services. Q. Was that in retail? A. It was at the corporate office, yes,	2 3 4 5 6 7 8 9 10 11	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February of 2014. Q. To what? A. A pharmacy inventory manager. Q. So if we were to describe what your position was from 2006 through 2014, begin with 2006, and then tell us what it was.
2 3 4 5 6 7 8 9 10 11 12	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999. Q. What was your position when you first came onboard in May of 1999? A. I was the customer service rep for store services. Q. Was that in retail? A. It was at the corporate office, yes, for retail stores.	2 3 4 5 6 7 8 9 10 11 12	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February of 2014. Q. To what? A. A pharmacy inventory manager. Q. So if we were to describe what your position was from 2006 through 2014, begin with 2006, and then tell us what it was. A. My position?
2 3 4 5 6 7 8 9 10 11 12 13	who your employer is? A. CVS Pharmacy. Q. How long have you been employed with CVS Pharmacy? A. Since May of 1999. Q. What was your position when you first came onboard in May of 1999? A. I was the customer service rep for store services. Q. Was that in retail? A. It was at the corporate office, yes, for retail stores. Q. Did that include pharmaceutical	2 3 4 5 6 7 8 9 10 11 12 13	 A. The same position. Q. What about 2010? A. Same position. Q. Have you maintained that same position since 2008? A. No. I changed positions in February of 2014. Q. To what? A. A pharmacy inventory manager. Q. So if we were to describe what your position was from 2006 through 2014, begin with 2006, and then tell us what it was. A. My position? Q. Yes, ma'am.
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	Page 18		Page 20
1	A. Yes.	1	Q. Are you familiar with that?
2	Q. Are you familiar with the term	2	Let me read it to you. It says, "The
3	"narcotics"?	3	registrant shall design and operate a system
4	A. Yes.	4	to disclose to the registrant suspicious
5		5	
6	Q. Do you agree that opioids are	6	orders of controlled substances. The
7	narcotics?	7	registrant shall inform the field division
8	A. Yes.	8	office of the administration in his area of
9	Q. Do you agree that hydrocodone and	9	suspicious orders when discovered by the
10	hydrocodone combination products are	10	registrant. Suspicious orders include orders
11	narcotics?		of unusual size, orders deviating
12	A. Yes.	11	substantially from a normal pattern, and
	Q. Do you agree that OxyContin is		orders of unusual frequency."
13	narcotics?	13	Did I read that correctly?
14	A. Yes.	14	A. Yes.
15	Q. Do you agree that a oxymorphone is	15	Q. Are you familiar with that law?
16	narcotics?	16	A. Yes.
17	A. Yes.	17	Q. Is that law part of what guides you in
18	Q. Do you agree that narcotics are drugs	18	your job?
19	that are controlled under the federal law of	19	A. In my job today?
20	the Controlled Substances Act?	20	Q. Yes, ma'am, in your job between 2008
21	A. Yes.	21	and 2014.
22	Q. Could you pull up Exhibit No. 2,	22	It's a yes or no.
23	please?	23	A. Yes.
24		24	Q. Were you guided by that law in your
	Dans 10		-
	Page 19		Page 21
1	(Exhibit No. 2 marked for	1	job between 2008 and 2014?
1 2	_	1 2	_
	(Exhibit No. 2 marked for		job between 2008 and 2014?
2	(Exhibit No. 2 marked for	2	job between 2008 and 2014? A. Yes.
2	(Exhibit No. 2 marked for identification.)	2 3	job between 2008 and 2014? A. Yes. Q. Let's go to exhibit let's go to
2 3 4	(Exhibit No. 2 marked for identification.) BY MR. BAKER:	2 3 4	job between 2008 and 2014? A. Yes. Q. Let's go to exhibit let's go to
2 3 4 5	(Exhibit No. 2 marked for identification.) BY MR. BAKER: Q. And could you highlight Section	2 3 4 5	job between 2008 and 2014? A. Yes. Q. Let's go to exhibit let's go to Exhibit 1, please.
2 3 4 5 6	(Exhibit No. 2 marked for identification.) BY MR. BAKER: Q. And could you highlight Section 1301.74B?	2 3 4 5 6	job between 2008 and 2014? A. Yes. Q. Let's go to exhibit let's go to Exhibit 1, please. (Exhibit No. 1 marked for
2 3 4 5 6 7	(Exhibit No. 2 marked for identification.) BY MR. BAKER: Q. And could you highlight Section 1301.74B? MR. BUSH: Could you give us the	2 3 4 5 6 7	job between 2008 and 2014? A. Yes. Q. Let's go to exhibit let's go to Exhibit 1, please. (Exhibit No. 1 marked for
2 3 4 5 6 7 8	(Exhibit No. 2 marked for identification.) BY MR. BAKER: Q. And could you highlight Section 1301.74B? MR. BUSH: Could you give us the copy?	2 3 4 5 6 7 8	job between 2008 and 2014? A. Yes. Q. Let's go to exhibit let's go to Exhibit 1, please. (Exhibit No. 1 marked for identification.)
2 3 4 5 6 7 8	(Exhibit No. 2 marked for identification.) BY MR. BAKER: Q. And could you highlight Section 1301.74B? MR. BUSH: Could you give us the copy? MR. BAKER: I'm sorry, sir.	2 3 4 5 6 7 8	job between 2008 and 2014? A. Yes. Q. Let's go to exhibit let's go to Exhibit 1, please. (Exhibit No. 1 marked for identification.) MR. BAKER: Exhibit 1 is
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1			<u>-</u>
1	Page 22		Page 24
1	registration is inconsistent with the public	1	THE VIDEOGRAPHER: The time is 9:28
2	interest. In determining the public interest,	2	a.m. On the record.
3	the following factors shall be considered:	3	BY MR. BAKER:
4	No. 1, maintenance of effective controls	4	Q. Could you pull up Exhibit 3, please?
5	against diversion of particular controlled	5	Exhibit 3 is a United States Drug Enforcement
6	substances into other than legitimate medical	6	Administration Office of Diversion Control
7	scientific and industrial channels;	7	chart depicting a bar graph of drug-poisoning
8	Subparagraph 2, compliance with applicable	8	deaths involving opioid analgesics or heroin
9	state and local law."	9	in the United States from 1999 through 2013.
10	Did I read that correctly?	10	Ma'am, my question is have you ever
11	A. Yes.	11	seen this chart before?
12	Q. Have you seen this law before?	12	A. No.
13	A. I can't say that I've read it directly	13	Q. Ma'am?
14	from here, no.	14	A. No.
15	Q. Have you been tutored in this law	15	Q. As part of your job, you are
16	within your job or trained in this law within	16	responsible for DEA compliance of CVS with
17	your job?	17	respect to their suspicious order monitoring
18	A. Yes.	18	programming; am I correct?
19	Q. Between the period of 2008 through	19	A. No.
20	2014, who trained you in this law within your	20	Q. As part of your job, what do you do to
21	job?	21	reference the DEA website, if anything?
22	A. I can't recall a particular person	22	A. I didn't need to reference the website
23	that trained me in this law.	23	for my job.
24	Q. Were you guided by this law in your	24	Q. Let me ask you, are you familiar with
	Page 23		Page 25
1	job between 2008 and 2014?	1	who the DEA is?
2	A. Yes.	2	A. Yes.
3	Q. Do you agree that you had a duty to	3	Q. Okay. That's the Drug Enforcement
4	follow this law between 2008 and 2014 in your	4	Administration, which is an arm of the
5	position with CVS?	5	Department of Justice of the United States.
6	A. Yes.	6	You understand that, correct?
	Q. Would you agree that this country has	7	1 00 011001500110 01100, 0011000
7		1 '	A. Yes.
7 8		8	A. Yes.O. And you understand that the DEA is who
	been in the midst of an opioid crisis for the		Q. And you understand that the DEA is who
8	been in the midst of an opioid crisis for the past ten years?	8	Q. And you understand that the DEA is who CVS would report suspicious orders to in the
8 9	been in the midst of an opioid crisis for the past ten years? A. Yes.	8	Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring
8 9 10	been in the midst of an opioid crisis for the past ten years?	8 9 10	Q. And you understand that the DEA is who CVS would report suspicious orders to in the
8 9 10 11	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please?	8 9 10 11	Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes.
8 9 10 11 12	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for	8 9 10 11 12	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your
8 9 10 11 12 13	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please?	8 9 10 11 12 13	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that?
8 9 10 11 12 13 14	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.)	8 9 10 11 12 13 14	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No.
8 9 10 11 12 13 14 15	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.) MR. BAKER: It's composite	8 9 10 11 12 13 14	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No. Q. Are you familiar with the statistics
8 9 10 11 12 13 14 15	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.) MR. BAKER: It's composite Exhibit 3. Off record while that's being	8 9 10 11 12 13 14 15	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No. Q. Are you familiar with the statistics depicted in this chart that I'm showing in
8 9 10 11 12 13 14 15 16	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.) MR. BAKER: It's composite Exhibit 3. Off record while that's being pulled up.	8 9 10 11 12 13 14 15 16	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No. Q. Are you familiar with the statistics depicted in this chart that I'm showing in front of you? Do you see the statistics
8 9 10 11 12 13 14 15 16 17	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.) MR. BAKER: It's composite Exhibit 3. Off record while that's being pulled up. THE VIDEOGRAPHER: The time is	8 9 10 11 12 13 14 15 16 17	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No. Q. Are you familiar with the statistics depicted in this chart that I'm showing in front of you? Do you see the statistics there?
8 9 10 11 12 13 14 15 16 17 18	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.) MR. BAKER: It's composite Exhibit 3. Off record while that's being pulled up.	8 9 10 11 12 13 14 15 16 17 18	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No. Q. Are you familiar with the statistics depicted in this chart that I'm showing in front of you? Do you see the statistics there? A. Yes.
8 9 10 11 12 13 14 15 16 17 18 19 20	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.) MR. BAKER: It's composite Exhibit 3. Off record while that's being pulled up. THE VIDEOGRAPHER: The time is 9:25 a.m. We're off the record.	8 9 10 11 12 13 14 15 16 17 18 19 20	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No. Q. Are you familiar with the statistics depicted in this chart that I'm showing in front of you? Do you see the statistics there? A. Yes. Q. Are you familiar with those
8 9 10 11 12 13 14 15 16 17 18 19 20 21	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.) MR. BAKER: It's composite Exhibit 3. Off record while that's being pulled up. THE VIDEOGRAPHER: The time is 9:25 a.m. We're off the record. (Recess taken from 9:25 a.m.	8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No. Q. Are you familiar with the statistics depicted in this chart that I'm showing in front of you? Do you see the statistics there? A. Yes. Q. Are you familiar with those statistics?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	been in the midst of an opioid crisis for the past ten years? A. Yes. Q. Could you pull up Exhibit 3, please? (Exhibit No. 3 marked for identification.) MR. BAKER: It's composite Exhibit 3. Off record while that's being pulled up. THE VIDEOGRAPHER: The time is 9:25 a.m. We're off the record.	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. And you understand that the DEA is who CVS would report suspicious orders to in the event that their suspicious order monitoring program showed a suspicious order to exist? A. Yes. Q. And do you do that as part of your job? Do you help do that? A. No. Q. Are you familiar with the statistics depicted in this chart that I'm showing in front of you? Do you see the statistics there? A. Yes. Q. Are you familiar with those

			irther confidentiality Review
	Page 26		Page 28
1	Q. Are you familiar with them in general	1	Q. That's all part of your knowledge of
2	knowing that there has been a steady increase	2	the fact there's an opioid epidemic in the
3	in the number of thousands of deaths that have	3	United States that's been going on for over
4	occurred as a result of drug-poisoning deaths	4	ten years; is that correct?
5	involving opioid and analgesics or heroin in	5	MR. BUSH: Objection.
6	the United States from 1999 to 2013?	6	BY MR. BAKER:
7	A. No.	7	Q. Is that correct, ma'am?
8	Q. You didn't know that?	8	A. Can you say that again?
9	A. Not these numbers, no.	9	Q. This helps with your knowledge of the
10	Q. But you knew in general that	10	fact that there's been an opioid epidemic in
11	A. Oh, in general	11	the United States for at least the past ten
12	Q. That there was	12	years?
13	A yes.	13	MR. BUSH: Objection.
14	Q. You knew in general that there was an	14	MR. BAKER: I'll withdraw the
15	increase in the thousands of drug-poisoning	15	question.
16	deaths involving opioid analgesics or heroin	16	BY MR. BAKER:
17	in the United States from 1999 to 2013,	17	Q. Could you move on to the next chart,
18	correct?	18	please? Go to the U.S. rate of opioid
19	A. Yes.	19	overdose death sales and treatment admissions
20	Q. And you see that that number reached,	20	from 1999 to 2010.
21	from 1999, a figure of 4,000 all the way up to	21	MR. BUSH: Hold on, could you
22	16.9 thousand in 2011 and it stayed at about	22	show me that chart because this is not in the
23	that 16,000 level all the way through 2013	23	same order?
24	and 2012 and 2013. Do you see that?	24	MR. BAKER: Right here.
	Page 27		Page 29
1	Page 27 A. Yes.	1	Page 29 MR. BUSH: This one?
1 2	_	1 2	_
	A. Yes.		MR. BUSH: This one?
2	A. Yes.Q. Do you see what that comparison is to	2	MR. BUSH: This one? MR. BAKER: This one right here.
2 3	A. Yes.Q. Do you see what that comparison is to the deaths of heroin?	2 3	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER:
2 3 4	A. Yes.Q. Do you see what that comparison is to the deaths of heroin?A. Yes.	2 3 4	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's
2 3 4 5	A. Yes.Q. Do you see what that comparison is to the deaths of heroin?A. Yes.Q. For instance, in 2013, heroin deaths	2 3 4 5	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug
2 3 4 5 6	 A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas 	2 3 4 5 6	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration?
2 3 4 5 6 7	 A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, 	2 3 4 5 6 7	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No.
2 3 4 5 6 7 8	 A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? 	2 3 4 5 6 7 8	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for
2 3 4 5 6 7 8	 A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. 	2 3 4 5 6 7 8	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it
2 3 4 5 6 7 8 9	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection.	2 3 4 5 6 7 8 9	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales,
2 3 4 5 6 7 8 9 10	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER:	2 3 4 5 6 7 8 9 10	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment
2 3 4 5 6 7 8 9 10 11 12	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates?	2 3 4 5 6 7 8 9 10 11	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct?
2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes.	2 3 4 5 6 7 8 9 10 11 12	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to	2 3 4 5 6 7 8 9 10 11 12 13	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to DEA statistics, that there were 8.3 million	2 3 4 5 6 7 8 9 10 11 12 13 14	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid sales the increase in opioid sales from
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to DEA statistics, that there were 8.3 million heroin deaths in the year 2013 and 16.2	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid sales the increase in opioid sales from 1999 to 2000. Do you see that, the rate of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to DEA statistics, that there were 8.3 million heroin deaths in the year 2013 and 16.2 million opioid analgesics deaths? Does the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid sales the increase in opioid sales from 1999 to 2000. Do you see that, the rate of increase?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to DEA statistics, that there were 8.3 million heroin deaths in the year 2013 and 16.2 million opioid analgesics deaths? Does the chart indicate that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid sales the increase in opioid sales from 1999 to 2000. Do you see that, the rate of increase? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to DEA statistics, that there were 8.3 million heroin deaths in the year 2013 and 16.2 million opioid analgesics deaths? Does the chart indicate that? A. No. It says thousands.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid sales the increase in opioid sales from 1999 to 2000. Do you see that, the rate of increase? A. Yes. Q. Okay. And do you see the rate of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to DEA statistics, that there were 8.3 million heroin deaths in the year 2013 and 16.2 million opioid analgesics deaths? Does the chart indicate that? A. No. It says thousands. Q. 8.3 thousand, I'm sorry. And 16.2	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid sales the increase in opioid sales from 1999 to 2000. Do you see that, the rate of increase? A. Yes. Q. Okay. And do you see the rate of increase in opioid deaths correlate with that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to DEA statistics, that there were 8.3 million heroin deaths in the year 2013 and 16.2 million opioid analgesics deaths? Does the chart indicate that? A. No. It says thousands. Q. 8.3 thousand, I'm sorry. And 16.2 thousand opioid deaths?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid sales the increase in opioid sales from 1999 to 2000. Do you see that, the rate of increase? A. Yes. Q. Okay. And do you see the rate of increase in opioid deaths correlate with that in the red line right below it?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Do you see what that comparison is to the deaths of heroin? A. Yes. Q. For instance, in 2013, heroin deaths accounted for 8.3 million deaths whereas opioid analgesic deaths were at 16.2 million, correct? A. Yes. MR. BUSH: Objection. BY MR. BAKER: Q. Is that what the chart indicates? A. Yes. Q. Does the chart indicate, according to DEA statistics, that there were 8.3 million heroin deaths in the year 2013 and 16.2 million opioid analgesics deaths? Does the chart indicate that? A. No. It says thousands. Q. 8.3 thousand, I'm sorry. And 16.2 thousand opioid deaths? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. BUSH: This one? MR. BAKER: This one right here. BY MR. BAKER: Q. Have you ever seen this chart that's published by the United States Drug Enforcement Administration? A. No. Q. I'd like you to look at that chart for the period between 1999 and 2010. And it graphs the correlation between opioid sales, opioid deaths, and opioid treatment admissions; is that correct? A. Yes. Q. Okay. Do you see the top line, opioid sales the increase in opioid sales from 1999 to 2000. Do you see that, the rate of increase? A. Yes. Q. Okay. And do you see the rate of increase in opioid deaths correlate with that in the red line right below it? A. Yes.

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	Page 30		Page 32
1	Q. Do you see that, ma'am?	1	Q. Would you agree there's a correlation
2	A. Yes.	2	between opioid treatment, opioid deaths, and
3	Q. Would you agree that those two lines	3	opioid sales as depicted by this graph of
4	correlate, meaning that the number of opioid	4	reporting information through the United
5	sales, as opioid sales have increased over	5	States Drug Enforcement Administration?
6	that same period of time, between 1999 and	6	MR. BUSH: Objection.
7	2010, so have opioid deaths correspondingly	7	A. I can't say what the correlation is.
8	increased?	8	BY MR. BAKER:
9	MR. BUSH: Objection.	9	Q. You can't say that looking at this
10	BY MR. BAKER:	10	graph? Honestly, look at this graph and tell
11	Q. Would you agree with that?	11	me whether you think you could or couldn't say
12	MR. BUSH: I'm sorry, objection.	12	that.
13	BY MR. BAKER:	13	MR. BUSH: Objection.
14	O. Ma'am?	14	A. I can't say what the correlation is.
15	A. I can't say I agree.	15	BY MR. BAKER:
16	Q. Would you agree that those lines run	16	Q. Can you say that those lines do
17	parallel to each other upward on the graph?	17	correlate?
18	MR. BUSH: Objection.	18	A. I can say the line increased.
19	BY MR. BAKER:	19	Q. That they do correlate?
20	Q. Just look at the red line and look at	20	MR. BUSH: Objection.
21	the green line. Would you agree that those	21	A. I can say it increased.
22	lines	22	BY MR. BAKER:
23	A. Uh-huh.	23	Q. That they increased correspondingly?
24	Q correlate and run parallel to each	24	MR. BUSH: Objection.
	<u> </u>		•
	Page 31		Page 33
1	other increasingly between 1999 and 2010; yes	1	A. I don't know.
2	or no?	2	BY MR. BAKER:
3	MR. BUSH: Objection.	3	Q. You don't know from looking at this
4	BY MR. BAKER:	4	chart? Look at this chart, ma'am. Look at
5	Q. Ma'am?	5	those three lines.
6	A. Yes, they're parallel.	6	A. Yeah.
7	Q. Okay. That would show correlation	7	Q. Using common sense, would you say that
8	between those two; is that correct?	8	those three lines run parallel to each other
9	MR. BUSH: Objection.	9	correlate; yes or no?
10	BY MR. BAKER:	10	MR. BUSH: Objection.
11	Q. Opioid sales and opioid deaths,	11	A. I can say they run parallel. I don't
12	correct?	12	know how they correlate. I can't say how they
13	MR. BUSH: Objection.	13	correlate.
14	BY MR. BAKER:	14	BY MR. BAKER:
15	Q. Yes?	15	Q. Could you pull up the top ten list,
16	A. I can't say what the correlation is.	16	please, as the next chart? It's the United
17	Q. Would you look at the at the next	17	States Drug Enforcement Administration top ten
18	line, opioid treatment admissions? Does that	18	list of consumers in kilograms of opioid
19	line also run parallel to the lines above it,	19	analgesics.
20	which is opioid deaths and opioid sales?	20	MR. BUSH: Objection. Actually,
21	MR. BUSH: Objection.	21	my objection is I don't really see where it
22	BY MR. BAKER:	22	says that.
23	Q. Yes or no?	23	MR. BAKER: Narcotic drugs in
1		1	
24	A. Yes.	24	grams. We'll just go with narcotic drugs in

	Page 34		Page 36
1	_	1	_
2	grams. The source	2	opioid "Opioids, prescription or heroin,
	BY MR. BAKER:		remain the driving factor behind the
3	Q. Let's do it this way. Let's go to	3	unintentional drug overdose epidemic in Ohio.
4	this chart right here.	4	Approximately two-thirds or 1,272 or 66.5
5	Have you ever seen this chart?	5	percent of the drug overdoses involved any
6	A. No.	6	opioid in 2012 similar to 2011."
7	Q. Are you familiar with the statistics	7	Do you see that?
8	reported by the United States DEA that the	8	A. Uh-huh.
9	U.S. was the country, in 2012, with the	9	Q. Is that yes?
10	highest consumption of hydrocodone, which is	10	A. Yes.
11	approximately 45.5 tons or 99 percent of	11	Q. Is that all part of a crisis that you
12	global consumption? Were you familiar with	12	have been aware of that's been going on in the
13	that?	13	United States for the past several years?
14	A. No.	14	MR. BUSH: Objection.
15	Q. Would you agree that this chart	15	BY MR. BAKER:
16	indicates that?	16	Q. When I asked you initially in your
17	A. The chart yeah.	17	deposition if you were familiar with the
18	Q. Yes?	18	opioid crisis that was going on in the United
19	A. Yes, the statement indicates it.	19	States for the past ten years, your answer was
20	Q. Would you go to the next chart, which	20	yes; is that correct?
21	is the Ohio 2012 Ohio drug overdose deaths	21	MR. BUSH: Objection.
22	chart. Do you see that chart? Do you have	22	A. Yes.
23	that chart in front of you, ma'am?	23	BY MR. BAKER:
24	A. Yes.	24	Q. Okay. Is this part of what you're
	Page 35		Page 37
1	Q. Do you see at the bottom where the	1	talking about, the increased opioid deaths in
2	source of this information is the Ohio	2	Ohio as depicted in this chart?
3	Department of Health Office of Vital	3	MR. BUSH: Objection.
4	Statistics Analysis Conducted by Injury	4	BY MR. BAKER:
5	Prevention Program? Do you see that?	5	Q. Is this what you're talking about?
6	A. Yes.	6	A. I can't say specifically.
7	Q. So this is a publication by the Ohio	7	Q. Can you say generally that's what
8	Department of Health. Are you familiar with	8	
	Department of Hearth. Are you familiar with	"	you're talking about?
9	the Ohio Department of Health?	9	you're talking about? MR. BUSH: Objection.
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9	the Ohio Department of Health?	9	MR. BUSH: Objection.
9	the Ohio Department of Health? MR. BUSH: Objection.	9	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER:
9 10 11	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER:	9 10 11	MR. BUSH: Objection. A. Generally, yes.
9 10 11 12	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER: Q. Yes, ma'am.	9 10 11 12	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER: Q. Okay. Do you see where it says, right below that, "Prescription opioids are involved
9 10 11 12 13	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER: Q. Yes, ma'am. A. I've heard of it. I can't say how	9 10 11 12 13	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER: Q. Okay. Do you see where it says, right below that, "Prescription opioids are involved in most of the unintentional drug overdoses
9 10 11 12 13 14	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER: Q. Yes, ma'am. A. I've heard of it. I can't say how familiar I am.	9 10 11 12 13 14	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER: Q. Okay. Do you see where it says, right below that, "Prescription opioids are involved in most of the unintentional drug overdoses and have largely driven the rise in deaths
9 10 11 12 13 14 15	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER: Q. Yes, ma'am. A. I've heard of it. I can't say how familiar I am. Q. Do you see what's reported in there?	9 10 11 12 13 14	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER: Q. Okay. Do you see where it says, right below that, "Prescription opioids are involved in most of the unintentional drug overdoses and have largely driven the rise in deaths over the past decade."
9 10 11 12 13 14 15	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER: Q. Yes, ma'am. A. I've heard of it. I can't say how familiar I am. Q. Do you see what's reported in there? At the top of that chart, it says, "Drug	9 10 11 12 13 14 15	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER: Q. Okay. Do you see where it says, right below that, "Prescription opioids are involved in most of the unintentional drug overdoses and have largely driven the rise in deaths over the past decade." Do you see that?
9 10 11 12 13 14 15 16 17	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER: Q. Yes, ma'am. A. I've heard of it. I can't say how familiar I am. Q. Do you see what's reported in there? At the top of that chart, it says, "Drug overdose deaths continued to be a public	9 10 11 12 13 14 15 16 17	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER: Q. Okay. Do you see where it says, right below that, "Prescription opioids are involved in most of the unintentional drug overdoses and have largely driven the rise in deaths over the past decade." Do you see that? A. Yes.
9 10 11 12 13 14 15 16 17 18	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER: Q. Yes, ma'am. A. I've heard of it. I can't say how familiar I am. Q. Do you see what's reported in there? At the top of that chart, it says, "Drug overdose deaths continued to be a public crisis in Ohio with a 366 percent increase in	9 10 11 12 13 14 15 16 17 18	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER: Q. Okay. Do you see where it says, right below that, "Prescription opioids are involved in most of the unintentional drug overdoses and have largely driven the rise in deaths over the past decade." Do you see that? A. Yes. Q. Would you agree with that statement?
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9 10 11 12 13 14 15 16 17 18 19 20 21 22	the Ohio Department of Health? MR. BUSH: Objection. A. Familiar with it? BY MR. BAKER: Q. Yes, ma'am. A. I've heard of it. I can't say how familiar I am. Q. Do you see what's reported in there? At the top of that chart, it says, "Drug overdose deaths continued to be a public crisis in Ohio with a 366 percent increase in the number of deaths from 2000 to 2012." And it references that chart at the bottom. Do you see it?	9 10 11 12 13 14 15 16 17 18 19 20 21	MR. BUSH: Objection. A. Generally, yes. BY MR. BAKER: Q. Okay. Do you see where it says, right below that, "Prescription opioids are involved in most of the unintentional drug overdoses and have largely driven the rise in deaths over the past decade." Do you see that? A. Yes. Q. Would you agree with that statement? MR. BUSH: Objection. A. I I don't have enough information. BY MR. BAKER:
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1	Page 38 MR. BUSH: Objection.	1	Page 4
2	A. I can't agree or disagree.	2	(Exhibit No. 19 marked for
3	BY MR. BAKER:	3	identification.)
4	Q. Could you pull up the next chart,	4	,
5	which is the drug diversion migration out of	5	MR. BUSH: Can I have a copy of
6	Florida? Have you seen this chart before?	6	that? Thank you.
7	A. No.	7	BY MR. BAKER:
8	Q. You have not?	8	Q. Now, this is a CVS document that's
9	A. No.	9	Bates Numbered 3070 and 3071. Do you see th
.0	Q. Are you familiar with what's called	10	at the bottom?
.1	the opioid express?	11	A. Yes.
.2	MR. BUSH: Can I just make a	12	Q. Any time you see that in the context
.3	statement, Bill, on the record? This, at	13	of this litigation, that means that's a
.4	least the version of this I'm seeing on the	14	document that's been produced to plaintiff's
.5	screen and in our copy, is largely	15	counsel by CVS as part of a request for
.6		16	production in this case. So you'll know that
.7	illegible. MR. BAKER: This is how it was	17	-
		18	this is a CVS document. Fair enough?
.8	presented to us in the CVS documentation.		A. Yes.
.9	MR. BUSH: Okay.	19	Q. Do you see at the top where this is an
10	MR. BAKER: Okay. So we just	20	e-mail from the United States Drug Enforcemen
1	have to live with it.	21	Administration to Judy Hughes of CVS on
2	MR. BUSH: It does say McKesson	22	8/21/2014?
13	at the top. This is a CVS document.	23	A. Yes.
14	MR. BAKER: This is a CVS	24	Q. Do you know who Judy Hughes is?
	Page 39		Page 4
1	document. I'll show you, but it is a CVS	1	A. Yes.
2	document.	2	Q. Who is she?
3	MR. BUSH: Okay. I accept your	3	A. She works in loss prevention.
4	representation.	4	Q. She works in loss prevention?
5	MR. BAKER: Okay.	5	A. (Witness nodding.)
6	BY MR. BAKER:	6	Q. Do you see that this was a press
7	Q. Have you seen this document before?	7	release that was published and given to Ms.
8	A. No.	8	Hughes at CVS? Do you see that?
9	Q. Are you familiar with the Oxy Express?	9	A. Uh-huh.
0	Are you familiar with that?	10	Q. Yes?
1	A. No.	11	A. Yes.
2	Q. Are you familiar with the way drugs	12	Q. Were you provided this information as
.3	are diverted out of Florida up through states	13	well?
.4	north of Florida into Ohio?	14	A. Not that I recall.
.5	A. No.	15	Q. Go to the second page of that docume
.6	Q. You're not familiar with that?	16	at the top. Do you see the second sentence
.7	A. No.	17	there?
. 8		18	
.9	Q. Let's move on. Could you pull up	19	Highlight that, the current analysis.
	Exhibit 103, please. Strike that.		Keep going. It says, "The current analysis of
	Let's pull up Exhibit No. 19, please,	20	HCP" Now stop.
	and go to page 2.	21	HCP, you know to be hydrocodone
1	MD DATED WITH 1 1		
21	MR. BAKER: We'll mark that as	22	combination products, correct?
20 21 22 23 24	MR. BAKER: We'll mark that as the next number.	23 24	A. I did not know that was Q. For instance, hydrocodone

	Page 42		Page 44
1	_	1	
	acetaminophen, or Lortab, is an HCP. Did you		Q. Who is Dean Vanelli?
2	know that?	2	A. He's the Director of Logistics
3	A. I did not know that.	3	Planning.
4	Q. Did you know that Vicodin is an HCP, a	4	Q. And are you familiar with
5	hydrocodone combination product?	5	VOICE: Could you read into
6	A. No.	6	the record what Exhibit 19 is? Is that a
7	Q. Okay. Any time you see HCP, do you	7	Bates number?
8	now understand that's what we're talking	8	MR. BAKER: I will get there.
9	about?	9	It's Exhibit 19?
10	A. Yes.	10	MR. BUSH: 23.
11	Q. So the current analysis of HCPs by	11	BY MR. BAKER:
12	Health and Human Services, which is HHS, and	12	Q. Exhibit 23 starts with Bates Number
13	DEA, which is the Drug Enforcement Agency,	13	3749 and runs through Bates Number 3777. It
14	shows they had "a high potential for abuse and	14	is an e-mail from Mr. Vanelli and it's
15	abuse may lead to severe psychological or	15	actually a string of e-mails from Mr. Vanelli
16	physical depends. Adding non-narcotic like	16	to various people and from Nicole Harrington
17	acetaminophen to a hydrocodone does not	17	to Mr. Vanelli, from Donald Walker to various
18	diminish its abuse potential. The many	18	people.
19	findings by the DEA and HAS (sic) and the data	19	Do you see that
20	that support these findings are presented in	20	A. Yes.
21	detail in the final rule on the website."	21	Q on the front page?
22	Did I read that correctly?	22	A. Yes.
23	A. Yes.	23	Q. Do you see that?
24	Q. And is this, according to the	24	A. Yes.
	Page 43		Page 45
1	_	1	Q. Ma'am?
2	documentation, a press release that was sent to Judy Hughes at CVS	2	A. Yes.
3	MR. BUSH: Objection.	3	Q. And do you see that the attachment to
4	BY MR. BAKER:	4	it starts with something that says "McKesson"
5		5	at the top.
6	Q on 8/21/2014?	6	Do you see that?
7	A. (Witness reviews document.) Yes.	7	A. Yes.
8		8	Q. Now, McKesson is one of the outside
9	MR. BUSH: Excuse me, what	9	vendors from whom CVS does business; is that
10	number was that? Was that	10	
	MR. BAKER: That's all part of	11	correct?
11	Exhibit No. 19.		A. Yes.
12	MR. BUSH: Exhibit 19, okay.	12	Q. And sometimes a company like McKesson
13	Thank you.	13	will provide information like you're seeing to
14	BY MR. BAKER:	14	CVS, which it has done in this instance,
15	Q. Could you go to Exhibit No. 23,	15	according to this e-mail; is that correct?
16	please?	16	MR. BUSH: Objection.
17	(F. 141), 37, 22, 1, 12	17	A. I can't say that I know that.
18	(Exhibit No. 23 marked for	18	BY MR. BAKER:
19	identification.)	19	Q. At the bottom of the front page, it
20		20	says, "Nicole, attached at three files for
21	BY MR. BAKER:	21	your use," probably a typo, probably should
22	Q. Are you familiar with a person by the	22	have said "all three files for your use."
23	name of Dean Vanelli?	23	Do you see that?
24	A. Yes.	24	A. Yes.
		1	

	<u> </u>		
1	Page 46	1	Page 48
	Q. And it talks about, "Our Rx drug abuse		one death every 19 minutes," that
2	materials in which we have compiled	2	"prescription drug abuse is the
3	information on the global issue."	3	fastest-growing drug problem in the United
4	Do you see that?	4	States."
5	A. Yes.	5	Did you see that?
6	Q. Okay. So turn to those materials, if	6	A. Yes.
7	you would, on page 1, which was Bates Number	7	Q. This is this is right before you
8	3750, all part of Exhibit 23 we're referring	8	assumed your new position in 2008, correct?
9	to here today.	9	MR. BUSH: Objection.
10	Do you see that first page there?	10	BY MR. BAKER:
11	A. Yes.	11	Q. 2007 would be before you assumed your
12	Q. Do you see there where it says,	12	new position in 2008, correct?
13	"According to the DEA's 2012 ARCOS data, the	13	A. Yes.
14	following are a few commonly abused drugs with	14	Q. And when you assumed your new position
15	the annual averages, number of dosage units	15	in 2008, did you study up on the existence of
16	purchased by retail pharmacy for each of the	16	the opioid epidemic?
17	following drugs: hydrocodone, 131,381;	17	A. No.
18	oxycodone, 75,584." And then it goes down to	18	Q. You did no study at all on that?
19	discuss, "hydromorphone, 5,903; oxymorphone,	19	A. No.
20	2,190."	20	Q. Did you try to do any reading on it?
21	Did I read that correctly?	21	A. No, not that I recall.
22	A. Yes.	22	Q. It just didn't concern you at all?
23	Q. At the bottom it says, "These numbers	23	A. I can't recall.
24	are not guidelines for appropriate dispensing.	24	Q. Turn to Bates Number 3755 at the
	Page 47		Page 49
1	They are simply national averages derived from	1	bottom. Do you see it?
2	the DEA ARCOS data. Diversion can occur in	2	A. Uh-huh.
3	purchases below the DEA national averages."	3	Q. Yes?
4	Did I read that correctly?	4	A. Yes.
5	A. Yes.	5	Q. You see where it talks about the
6	Q. Go two more pages to where you get to	6	prescription drug abuse is an epidemic in the
7	Bates No. 3752. It's entitled, "Prescription	7	United States, that prescription drugs cause
8	drug abuse."	8	more deaths than heroin or cocaine combined.
9	Do you see that?	9	Do you see that?
10	A. Uh-huh, yes.	10	A. Yes.
11	Q. This is all part of the materials that	11	Q. At the bottom it says "The U.S.
12	were attached to that e-mail that were sent to	12	consumes 83 percent of the world's oxycodone
13	CVS, according to the document I presented to	13	and 99 percent of the world's hydrocodone, two
14	you, correct?	14	highly prescribed opioid drugs for pain."
15	MR. BUSH: Objection.	15	Do you see that?
16	BY MR. BAKER:	16	A. Yes.
17	Q. Let's move on. Do you see the next	17	Q. As part of your job, do you know that
18	document? It says 3753 at the bottom. It's	18	hydrocodone is a highly prescribed opioid drug
19	CVS Bates Number 3753.	19	for pain?
20	Do you see that?	20	MR. BUSH: Objection.
21	A. Yes.	21	A. No, I don't know that.
22	Q. Do you see that it said "In 2007,	22	BY MR. BAKER:
23	approximately 27,000 unintentional drug	23	Q. You don't know that.
24	overdose deaths occurred in the United States,	24	Go to Bates Number 3761, all part of
	overdose deaths occurred in the Office States,		Go to Dates Number 3701, an part of
$\overline{}$			

	D 50		D 50
	Page 50		Page 52
1	Exhibit No. 23. Could you highlight in the	1	Bates Number 3766, which means that it was
2	first every portion that deals with Ohio	2	produced to us by CVS in this litigation. You
3	under oxycodone, hydrocodone, hydromorphone,	3	understand that?
4	and oxymorphone?	4	MR. BUSH: Objection.
5	Do you see the report here, that	5	A. Yes.
6	current drug prescription drug diversion	6	BY MR. BAKER:
7	trends dealing with states with the highest	7	Q. Okay. Do you see where in this chart
8	pharmacy dispensing in 2012 shows that	8	it delineates where drugs divert out of
9	oxycodone that Ohio is the fifth	9	Florida, up through Georgia, up through
10	highest-rated state for oxycodone relative to	10	Tennessee, Kentucky, ultimately into Ohio? Do
11	the states with the highest pharmacy	11	you see that?
12	dispensing in 2012? Do you see that?	12	MR. BUSH: Objection.
13	MR. BUSH: Objection.	13	BY MR. BAKER:
14	A. Yes, I can see that.	14	Q. Do you see that on that? Is that
15	BY MR. BAKER:	15	what's depicted on that chart?
16	Q. Do you see that this chart indicates	16	A. I see lines, yes.
17	that Ohio is the seventh highest state with	17	Q. And do you have you read about or
18	pharmacy dispensing in 2012 with respect to	18	studied about the drug diversion migration out
19	the drug hydrocodone? Do you see that?	19	of Florida as part of your job?
20	MR. BUSH: Objection.	20	A. No.
21	A. Yes, I see that.	21	Q. Have you been taught about that as
22	BY MR. BAKER:	22	part of your job?
23	Q. Do you see in this chart where Ohio is	23	A. No.
24	the eighth highest pharmacy dispensing state	24	Q. Have you attended DEA conferences on
	Page 51		Page 53
1	_	1	Page 53 drug diversion?
1 2	in 2012 for the drug hydromorphone?	1 2	Page 53 drug diversion? A. No.
	in 2012 for the drug hydromorphone? MR. BUSH: Objection.		drug diversion? A. No.
2	in 2012 for the drug hydromorphone? MR. BUSH: Objection. A. Yes, I see that.	2	drug diversion?A. No.Q. Your employer does not send you to DEA
2 3	in 2012 for the drug hydromorphone? MR. BUSH: Objection. A. Yes, I see that. BY MR. BAKER:	2 3	drug diversion? A. No.
2 3 4	in 2012 for the drug hydromorphone? MR. BUSH: Objection. A. Yes, I see that. BY MR. BAKER: Q. Do you see that Ohio is the seventh	2 3 4	drug diversion?A. No.Q. Your employer does not send you to DEA conferences to learn about drug diversion?A. No.
2 3 4 5	in 2012 for the drug hydromorphone? MR. BUSH: Objection. A. Yes, I see that. BY MR. BAKER: Q. Do you see that Ohio is the seventh highest pharmacy dispensing state in 2012 for	2 3 4 5	drug diversion? A. No. Q. Your employer does not send you to DEA conferences to learn about drug diversion? A. No. Q. And you've never attended a DEA
2 3 4 5 6	in 2012 for the drug hydromorphone? MR. BUSH: Objection. A. Yes, I see that. BY MR. BAKER: Q. Do you see that Ohio is the seventh highest pharmacy dispensing state in 2012 for the drug oxymorphone?	2 3 4 5 6	drug diversion? A. No. Q. Your employer does not send you to DEA conferences to learn about drug diversion? A. No. Q. And you've never attended a DEA conference on drug diversion?
2 3 4 5 6 7	in 2012 for the drug hydromorphone? MR. BUSH: Objection. A. Yes, I see that. BY MR. BAKER: Q. Do you see that Ohio is the seventh highest pharmacy dispensing state in 2012 for the drug oxymorphone? MR. BUSH: Objection.	2 3 4 5 6 7	drug diversion? A. No. Q. Your employer does not send you to DEA conferences to learn about drug diversion? A. No. Q. And you've never attended a DEA conference on drug diversion? A. I've been to a DEA conference.
2 3 4 5 6 7 8	in 2012 for the drug hydromorphone? MR. BUSH: Objection. A. Yes, I see that. BY MR. BAKER: Q. Do you see that Ohio is the seventh highest pharmacy dispensing state in 2012 for the drug oxymorphone? MR. BUSH: Objection. A. Yes, I see that.	2 3 4 5 6 7 8	drug diversion? A. No. Q. Your employer does not send you to DEA conferences to learn about drug diversion? A. No. Q. And you've never attended a DEA conference on drug diversion? A. I've been to a DEA conference. Q. Dealing with the topic of drug
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	Page 54		Page 56
1	A. Yes.	1	with respect to those two distribution
2	Q. And those are narcotic drugs,	2	centers?
3	correct?	3	A. My job now or previous?
4	A. Yes.	4	Q. Between 2008 and 2013.
5	Q. And the	5	A. I was a liaison for the distribution
6	A. Some.	6	centers, so they would reach out to me when
7	Q the CVS distribution center	7	they needed to get assistance as far as being
8	licensures that you know to exist are for	8	a central point of contact for the corporate
9	Schedule III through Schedule V drugs; is that	9	office.
10	correct?	10	Q. Are you familiar with whether or not
11	A. Yes.	11	those two distribution centers served the CVS
12	Q. And you know that Schedule III drugs,	12	stores that are retail pharmacies in the state
13	up until October of 2014, included hydrocodone	13	of Ohio?
14	and hydrocodone combination products,	14	A. I can't say off the top of my head if
15	correct?	15	I knew what states they serviced.
16	A. Yes.	16	Q. Let me show you what's marked as
17	Q. And you know that Schedule II drugs,	17	Exhibit No. 25.
18	up until October 2014 and continuing, have	18	LAMUIT NO. 23.
19	included OxyContin- and oxymorphone-related	19	(Exhibit No. 25 marked for
20	drugs?	20	identification.)
21	A. I can't say if I specifically know	21	identification.)
22	that they were Schedule II.	22	BY MR. BAKER:
23	Q. You know that hydrocodone combination	23	Q. It's the Track 1 CVS store
24	products were rescheduled to Schedule II by	24	information.
	products were resemblated to Benediate it by		information.
	Page 55		Page 57
1	the FDA October 6 of 2014? Do you know	1	What I've shown you is a list of CVS
2	the FDA October 6 of 2014? Do you know that?	2	What I've shown you is a list of CVS pharmacy stores that are located in Ohio.
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Do you see that? 18 is an e-mail with an attached letter d	o. 37 which
71. 1 See that.	
Q. Can you say yes, that this is a CVS 20 of the United States Department of 3	=
21 document? 21 Drug Enforcement Administration.	
	A Gaica
	t)
a CVS document, no. 24 A. (Witness reviews document.)	L. <i>)</i>

	D (2		D (4
	Page 62		Page 64
1	No, I can't say that I have.	1	inserting a suspicious order monitoring policy
2	Q. Have you ever seen the e-mail that's	2	into the CVS system?
3	attached or that is dated 1/14/2014 that I've	3	A. No.
4	handed to you as Exhibit No. 37?	4	MR. BUSH: Objection.
5	A. I can't say that I have.	5	BY MR. BAKER:
6	Q. Let me read the e-mail to you. It	6	Q. You did not?
7	says, "Team" and this is an e-mail from a	7	A. No.
8	person named Craig Schiavo to several people	8	Q. Are you familiar with that occurring
9	within CVS, January 14, 2014, correct?	9	8/25/2010?
10	A. Yes.	10	MR. BUSH: Objection.
11	Q. And the subject matter is SOM	11	A. I don't recall.
12	communications from DEA, correct?	12	BY MR. BAKER:
13	A. Yes.	13	Q. You don't know?
14	Q. SOM is suspicious order monitoring,	14	A. (Witness nodding.)
15	correct?	15	Q. We'll get to that in a minute.
16	A. Yes.	16	You see where it says at the top of
17	Q. All right. And it references this	17	page 2 it says, "Registrants that rely on
18	12/27/2007 DEA letter, correct?	18	rigid formulas to define whether an order is
19	A. Yes.	19	suspicious may be failing to detect suspicious
20	Q. It says, "Team, attached are FYIs.	20	orders."
21	These are communications from the DEA to DEA	21	Do you see that?
22	registrants. The 2007 letter from the DEA is	22	A. Yes.
23	the letter that put registrants on notice that	23	Q. Do you see where the next sentence
24	the DEA was going to start heavily enforcing	24	says, "For example, a system that identifies
	Page 63		Page 65
1	Page 63 the SOM regulations " Correct?	1	Page 65 orders as suspicious only if the total amount
1 2	the SOM regulations." Correct?	1 2	orders as suspicious only if the total amount
	the SOM regulations." Correct? A. Yes, that's what it says.		orders as suspicious only if the total amount of a controlled substances ordered during one
2	the SOM regulations." Correct? A. Yes, that's what it says. Q. You stated earlier that I can't	2	orders as suspicious only if the total amount of a controlled substances ordered during one month exceeds the amount ordered the previous
2 3	the SOM regulations." Correct? A. Yes, that's what it says. Q. You stated earlier that I can't remember if you said you either did not see	2	orders as suspicious only if the total amount of a controlled substances ordered during one month exceeds the amount ordered the previous month by a certain percentage or more is
2 3 4	the SOM regulations." Correct? A. Yes, that's what it says. Q. You stated earlier that I can't remember if you said you either did not see this letter before or can't recall. Which one	2 3 4	orders as suspicious only if the total amount of a controlled substances ordered during one month exceeds the amount ordered the previous month by a certain percentage or more is insufficient."
2 3 4 5	the SOM regulations." Correct? A. Yes, that's what it says. Q. You stated earlier that I can't remember if you said you either did not see this letter before or can't recall. Which one is it?	2 3 4 5	orders as suspicious only if the total amount of a controlled substances ordered during one month exceeds the amount ordered the previous month by a certain percentage or more is
2 3 4 5 6	the SOM regulations." Correct? A. Yes, that's what it says. Q. You stated earlier that I can't remember if you said you either did not see this letter before or can't recall. Which one is it? A. I don't recall seeing this letter	2 3 4 5 6	orders as suspicious only if the total amount of a controlled substances ordered during one month exceeds the amount ordered the previous month by a certain percentage or more is insufficient." Do you see that? A. Yes.
2 3 4 5 6 7	the SOM regulations." Correct? A. Yes, that's what it says. Q. You stated earlier that I can't remember if you said you either did not see this letter before or can't recall. Which one is it? A. I don't recall seeing this letter before.	2 3 4 5 6 7	orders as suspicious only if the total amount of a controlled substances ordered during one month exceeds the amount ordered the previous month by a certain percentage or more is insufficient." Do you see that? A. Yes. Q. Do you know what that means?
2 3 4 5 6 7 8	the SOM regulations." Correct? A. Yes, that's what it says. Q. You stated earlier that I can't remember if you said you either did not see this letter before or can't recall. Which one is it? A. I don't recall seeing this letter before. Q. Is it possible that you've seen this	2 3 4 5 6 7 8	orders as suspicious only if the total amount of a controlled substances ordered during one month exceeds the amount ordered the previous month by a certain percentage or more is insufficient." Do you see that? A. Yes. Q. Do you know what that means? MR. BUSH: Objection.
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	Page 66		Page 68
1	_	1	
1	system fails to identify orders placed by a	1	substance, if orders never grew
2	pharmacy if the pharmacy placed unusually	2	substantially."
3	large orders from the beginning of its	3	Do you see that?
4	relationship with the distributor."	4	A. Yes.
5	Do you see that?	5	Q. Do you see it says, "Nevertheless,
6	A. Yes.	6	ordering one highly abused controlled
7	Q. Let me give you an example.	7	substance and little or nothing else deviates
8	Suppose suppose you had a CVS store	8	from the normal pattern of what pharmacies
9	that was not monitored all the way up until a	9	generally order."
10	certain time frame and during that time frame	10	Do you see that?
11	it reached an average purchase of say 30,000	11	A. Yes.
12	hydrocodone combination products per month,	12	Q. To you, does that mean that if a
13	and now we start monitoring at CVS through the	13	pharmacy orders hydrocodone combination
14	suspicious order monitoring system whether or	14	products and little or nothing else that it
15	not drugs ordered the following month are	15	deviates from the normal pattern of what
16	consistent with what was ordered the prior	16	pharmacies generally order?
17	month to determine whether or not it might be	17	MR. BUSH: Objection.
18	more ordered the following month than the	18	A. I don't think I can say.
19	prior month.	19	Q. Let's move on to the next exhibit.
20	Do you understand that example	20	
21	MR. BUSH: Objection.	21	(Exhibit No. 61 marked for
22	BY MR. BAKER:	22	identification.)
23	Q as a hypothetical?	23	
24	MR. BUSH: Objection.	24	BY MR. BAKER:
	Page 67		Page 69
1			- 1
	BY MR BAKER:	1 1	O Let me show you Exhibit No. 61 Have
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	Page 70		Page 72
1	case you haven't read the letter that started	1	e-mail dated 5/18/34 (sic) between Mr. Schiavo
2	all of this SOM stuff and the wholesalers	2	of CVS and Mr. Burtner of CVS that it, indeed,
3	getting fined, attached is what started it	3	was this letter dated December 27, 2007 that
4	all. Thank you. Craig."	4	started this SOM stuff?
5	Do you see that?	5	MR. BUSH: Objection.
6	A. Yes, I do.	6	A. I can't answer that.
7	Q. Did anybody at CVS tell you that it	7	BY MR. BAKER:
8	was the DEA letter of December 27, 2007 that	8	Q. Well, you're not familiar with any SOM
9	started all of this suspicious order	9	stuff that CVS was engaging in before 2007,
10	monitoring stuff?	10	correct?
11	A. Not that I can recall.	11	MR. BUSH: Objection.
12	Q. Do you remember the document I had	12	A. I can't recall.
13	shown you previously earlier today that talked	13	BY MR. BAKER:
14	about the Controlled Substance Act, which	14	Q. You can't recall. Is that what your
15	required suspicious order monitoring has been	15	answer was?
16	in effect since 1971? Do you remember that	16	A. Yes.
17	document?	17	Q. All right. Next I'm going to show you
18	A. Yes.	18	what's marked as Exhibit No. 12 and it is CVS
19	Q. Is it true that CVS only started	19	Bates Document No. 2188.
20	taking notice of the need to implement a	20	
21	suspicious order monitoring policy as a result	21	(Exhibit No. 12 marked for
22	of this letter that was received December 27,	22	identification.)
23	2007?	23	
24	A. I can't	24	BY MR. BAKER:
	Page 71		Page 73
1	MR. BUSH: Objection.	1	Q. And at the top, it says, "SOM
2	A. I can't I can't answer that.	2	Program." Do you see that?
3	BY MR. BAKER:	3	A. Yes, I see that.
4	Q. Is it true that this letter dated	4	Q. Do you know what a SOM program means,
5	December 27, 2007 was the catalyst to get CVS	5	yes or no?
6	started on suspicious order monitoring	6	A. Yes, suspicious order monitoring.
7	policies, yes or no?	7	Q. As an employee of CVS, in your job do
8	MR. BUSH: Objection.	8	you have anything at all to do with suspicious
9	A. I can't I can't answer that.	9	order monitoring programs?
10	BY MR. BAKER:	10	A. No.
11	Q. You're not familiar with CVS having	11	Q. Have you ever had anything at all to
12	any written suspicious order monitoring policy	12	do with suspicious order monitoring programs?
13	that became part of its SOP or standard	13	A. No. The program itself, no.
14	operating procedures at any time in 2006, are	14	Q. Have you ever had anything to do with
15	you?	15	drafting or implementation of suspicious order
16	A. I can't recall.	16	monitoring programs within CVS?
17	Q. You're not familiar with there being	17	A. Not a program, no.
18	any suspicious order monitoring policy of CVS	18	Q. Have you ever had anything to do with
19	that is in written form and became part of a	19	drafting or inserting into the standard
20	policy and procedure or standard operating	20	operating procedures of CVS a suspicious order
21	procedure within CVS in 2007; am I correct?	21	monitoring policy?
22	A. I can't recall.	22	MR. BUSH: Objection. Compound.
23		23	A. I wasn't responsible for drafting any
	Q. Does it appear to you from reading		
1 / 4			
24	this letter that I mean, from reading the	24	SOM policies.

	Page 74		Page 70
1	BY MR. BAKER:	1	Tuge /
2	Q. Have you ever been responsible for or	2	THE VIDEOGRAPHER: The time is
3	participated within the process of inserting a	3	10:37 a.m. and we're on the record.
4	suspicious order monitoring policy within the	4	BY MR. BAKER:
5	suspicious within the policies and	5	Q. Ms. Propatier, I'm going to hand you
6	procedures or standard operating procedures of	6	Plaintiff's Exhibit 204.
7	CVS?	7	MR. BAKER: I'll give a copy to
8	MR. BUSH: Objection.	8	your counsel.
9	A. I was responsible for updating SOPs.	9	BY MR. BAKER:
10	Q. Are you familiar with the	10	Q. Do you recognize this to be the
11	know-your-customer policy of the DEA?	11	Controlled Drug DEA Standard Operating
12	A. No.	12	Procedures Manual of the CVS distribution
13	Q. You've never heard of that?	13	center, effective date 12/1/07, with revision
14	A. Not that I recall.	14	dates having several but last revised under
15	Q. Let me show you this DEA policy and	15	this revision 11/8 of 2011?
16	what it states according to this CVS document.	16	Do you see that up at the top?
17	The policy states, "It is fundamental	17	A. Yes.
18	for sound operations that handlers take	18	Q. You've seen these before, have you
19	reasonable measures to identify their	19	not?
20	customers, understand the normal and expected	20	A. Yes.
21	transactions typically conducted by those	21	Q. Okay. Let me direct your attention to
22	customers, and consequently identify those	22	Section X, which would be 10-8, which is goin
23	transactions conducted by their customers that	23	to be page number Bates Number 8559.
24	are suspicious in nature."	24	VOICE: Can we get a
	Page 75		Page 7
1	Have you ever heard of that policy	1	beginning Bates number for the document?
2	before today?	2	MR. BAKER: Yes. The beginning
3	A. I don't recall ever seeing this	3	Bates number is 8506. The ending Bates number
4	policy.	4	is 8571.
5	Q. Have you ever heard of that policy	5	MR. BUSH: 85590 (sic) is where
6	before today?	6	you would like her to
7	A. I don't recall.	7	MR. BAKER: Yes.
8	Q. In your job with CVS pharmacy, you	8	MR. BUSH: look, right?
9	never were instructed on this policy?	9	MR. BAKER: Yes, sir. Could we
10	A. Instructed how?	10	show this under the document?
11	Q. In any manner.	11	MR. BUSH: Take your time to be
12	A. Not that I recall.	12	familiar with the document. It's a long
13	Q. Let's move on. I'm going to show	13	document.
14	you	14	(Witness reviews document.)
15	MR. BAKER: Let's go off record	15	BY MR. BAKER:
16	for a second.	16	Q. Go to X-5. The Bates is 8556.
17	THE VIDEOGRAPHER: The time is	17	Could I get you, please, to highlight
18	10:27 a.m. and we're off the record.	18	the last sentence of Paragraph 11, beginning
19		19	with "Amy Propatier."
	(Recess taken from 10:27 a.m.	20	Ms. Propatier, are you familiar with
20	(1	11: 1
20 21	to 10:37 a.m.)	21	this document that is now before you?
		21	A. Yes.
21			

2 A. Yes. 3 Q. I'd like you to look at Paragraph 11 on page X-5, which is 10 Subsection 10-5. 5 Do you see that? 6 MR. BUSH: I would ask you to make sure that you've had a chance to look through the documents. 9 THE WITNESS: I'm trying. 10 MR. BUSH: Make sure you understand where it is. 11 THE WITNESS: Yeah. 12 Witness reviews document.) 13 BY MR. BAKER: 14 BY MR. BAKER: 15 Q. Ma'am, I'll hand it to you, if you would like. 16 would like. 17 MR. BUSH: She has it, don't you? 18 you? 19 THE WITNESS: Yeah, I'm just reading. I'm just reading where I am. 21 BY MR. BAKER: 22 Q. Ma'am, are you familiar with the document in front of you? 24 MR. BUSH: Objection. Asked and Page 79 1 answered. 2 A. Yes. 3 BY MR. BAKER: 4 Q. Yes? 5 A. Yes. 6 Q. Okay. And would you please direct your attention to page X-5, which is 10-5, Paragraph 11, last sentence? 9 Do you see that? 10 A. Uh-hub. 11 Q. Yes? 11 A. Yes. 12 BY MR. BAKER: 13 GDFs. My title my job position title was logistics pharmacy services manager. 14 BY MR. BAKER: Q. Did you ever hold the title of CVS D compliance coordinator? A. Yes. As a title for SOP reference, yes. Q. And did you perform duties as a DE/2 coordinator or not DEA compliance coordinator or not DEA compliance coordinator while under the emp of CVS? A. What type of duties? I don't know what you mean. Q. Did you perform any type of DEA compliance coordinator duties while under the employ of CVS? A. I submitted ARCOS reporting, yes. Q. Did you have anything at all to do with suspicious order monitoring? MR. BUSH: Objection, but you can answer. A. No, only updating the SOP with what was provided for the program. Q. Let's go to the next numbered exhibit. Now, who, other than this document, ever called you by the title CVS DEA compliance coordinator? Who within the compliance coordinator? Who within the compliance coordinator and treatile program. Q. Let's go to the next numbered exhibit. Now, who, other than this document? MR. BUSH: Objection. If you understand, you can answer. A. I'don't I'm n		Page 78		Page 80
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3 BY MR. BAKER: 4 Q. Yes? 5 A. Yes. 6 Q. Okay. And would you please direct 7 your attention to page X-5, which is 10-5, 8 Paragraph 11, last sentence? 9 Do you see that? 10 A. Uh-huh. 11 Q. Yes? 12 A. Yes. 13 Q. Let's go to the next numbered exhibit. 4 Now, who, other than this document, 5 ever called you by the title CVS DEA 6 compliance coordinator? Who within the 7 company ever called you that other than this 8 document? 9 MR. BUSH: Objection. If you 10 understand, you can answer. 11 A. I don't I'm not sure what you mean. 12 BY MR. BAKER:				
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12 A. Yes. 12 BY MR. BAKER:	10	A. Uh-huh.	10	understand, you can answer.
	11	Q. Yes?	11	A. I don't I'm not sure what you mean.
Q. Your name is Amy Propatier, correct? 13 Q. You've told me about your logistics	12	A. Yes.	12	BY MR. BAKER:
	13	Q. Your name is Amy Propatier, correct?	13	Q. You've told me about your logistics
14 A. Yes. 14 title, correct?	14		14	
Q. And this document says that "Amy 15 A. Yes.	15	Q. And this document says that "Amy	15	
Propatier (CVS DEA compliance coordinator) and Q. And name that title again, what it is.	16		16	
Frank Devlin, director of logistics loss A. Logistics pharmacy services manager.	17		17	_
prevention." Is that correct? 18 Q. At any place within CVS, other than	18		18	
	19	_	19	within this document that I showed you, were
				you ever listed within CVS as a DEA compliance
21 document, the CVS DEA compliance 21 coordinator?		-		
coordinator? 22 coordinator? 22 A. Do you mean like in personnel, like as		-		
23 MR. BUSH: Well, objection. 23 the company?				
24 A. That was a title for reference in 24 Q. Yes, ma'am.				
2. That was a title for reference in 2. Tes, ind ani.	1	11. That was a title for reference in		Z. 105, 1114 atril.

1			D 04
1	Page 82	1	Page 84
1 2	A. Not in personnel records, no.	1	A. I don't recall it.
2	Q. Okay. Do you know why CVS put you in	2	Q. Let me read the e-mail. It says,
3	here as the CVS DEA compliance coordinator	3	"Good morning, Amy." That would be you,
4	within their controlled drug DEA Standard	4	correct?
5	Operating Procedures Manual?	5	A. Yes.
6	A. It was a title just for SOP purposes	6	Q. And this is from Mr. Mortelliti?
7	because people change positions, that it would	7	A. Yes.
8	be that would be the position they referred	8	Q. And who is Mr. Mortelliti at this
9	to because the person in title may change. So	9	time?
10	if they had one specific title for this point	10	A. He was the loss prevention in the
11	of contact, it could change if the person or	11	Lumberton distribution center.
12	position changed.	12	Q. It says, "I attached the PSE SOP to
13	Q. Were you ever the CVS DEA compliance	13	this e-mail. The controlled drug SOP is being
14	coordinator?	14	reviewed by counsel."
15	A. In regards to?	15	Do you know what the controlled drug
16	Q. Your job at CVS.	16	SOP means?
17	A. My job was the pharmacy services	17	A. I can't recall
18	manager. This title was for SOP purposes.	18	Q. Would that
19	Q. Were you ever for personnel	19	A what he's referring to.
20	purposes ever considered the CVS DEA	20	Q. Would that be controlled drug standard
21	compliance coordinator?	21	operating procedure?
22	A. No, I was not.	22	A. I can't recall if that's what he was
23	Q. It's just something that's listed	23	referring to.
24	within the Controlled Drug DEA Standard	24	Q. Do you know what a controlled drug SOP
	Page 83		Page 85
1	Operating Procedures Manual that says that's	1	is?
2	what you are; is that correct?	2	A. I know what controlled drug SOPs are.
3	what you are; is that correct? MR. BUSH: Objection.	3	A. I know what controlled drug SOPs are, yes.
	MR. BUSH: Objection.		yes.
3	MR. BUSH: Objection. A. In this manual, yes.	3	yes. Q. What are they?
3 4	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER:	3 4	yes. Q. What are they? A. They would be our SOPs for our
3 4 5	MR. BUSH: Objection. A. In this manual, yes.	3 4 5	yes. Q. What are they? A. They would be our SOPs for our distribution centers.
3 4 5 6	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes.	3 4 5 6	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating
3 4 5 6 7	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010?	3 4 5 6 7	yes. Q. What are they? A. They would be our SOPs for our distribution centers.
3 4 5 6 7 8	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as	3 4 5 6 7 8	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes.
3 4 5 6 7 8	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98.	3 4 5 6 7 8	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs?
3 4 5 6 7 8 9	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for	3 4 5 6 7 8 9	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes.
3 4 5 6 7 8 9 10	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98.	3 4 5 6 7 8 9 10	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics
3 4 5 6 7 8 9 10 11	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.)	3 4 5 6 7 8 9 10 11	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products,
3 4 5 6 7 8 9 10 11 12 13	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER:	3 4 5 6 7 8 9 10 11 12	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct?
3 4 5 6 7 8 9 10 11 12 13 14	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an	3 4 5 6 7 8 9 10 11 12 13	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct.
3 4 5 6 7 8 9 10 11 12 13 14 15	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an e-mail dated 8/23/2010 from John Mortelliti to	3 4 5 6 7 8 9 10 11 12 13 14	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct. Q. Controlled drugs also include
3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an e-mail dated 8/23/2010 from John Mortelliti to Frank Devlin with a copy going to you, Amy	3 4 5 6 7 8 9 10 11 12 13 14 15	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct. Q. Controlled drugs also include OxyContin and oxymorphone drugs, correct,
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an e-mail dated 8/23/2010 from John Mortelliti to Frank Devlin with a copy going to you, Amy Propatier, correct?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct. Q. Controlled drugs also include OxyContin and oxymorphone drugs, correct, although the distribution centers did not
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an e-mail dated 8/23/2010 from John Mortelliti to Frank Devlin with a copy going to you, Amy Propatier, correct? A. Yes. Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct. Q. Controlled drugs also include OxyContin and oxymorphone drugs, correct, although the distribution centers did not handle those, correct?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an e-mail dated 8/23/2010 from John Mortelliti to Frank Devlin with a copy going to you, Amy Propatier, correct? A. Yes. Yes. Q. It's actually an e-mail string,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct. Q. Controlled drugs also include OxyContin and oxymorphone drugs, correct, although the distribution centers did not handle those, correct? A. Correct.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an e-mail dated 8/23/2010 from John Mortelliti to Frank Devlin with a copy going to you, Amy Propatier, correct? A. Yes. Yes. Q. It's actually an e-mail string, correct?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct. Q. Controlled drugs also include OxyContin and oxymorphone drugs, correct, although the distribution centers did not handle those, correct? A. Correct. Q. Those drugs were sold at CVS retail
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an e-mail dated 8/23/2010 from John Mortelliti to Frank Devlin with a copy going to you, Amy Propatier, correct? A. Yes. Yes. Q. It's actually an e-mail string, correct? A. Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct. Q. Controlled drugs also include OxyContin and oxymorphone drugs, correct, although the distribution centers did not handle those, correct? A. Correct. Q. Those drugs were sold at CVS retail stores though, correct, the oxymorphone and
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. BUSH: Objection. A. In this manual, yes. BY MR. BAKER: Q. Were you employed by CVS on 8/23/2010? A. Yes. Q. Let me show you what's marked as Exhibit No. 98. (Exhibit No. 98 marked for identification.) BY MR. BAKER: Q. This is Bates Number 89188. It's an e-mail dated 8/23/2010 from John Mortelliti to Frank Devlin with a copy going to you, Amy Propatier, correct? A. Yes. Yes. Q. It's actually an e-mail string, correct?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	yes. Q. What are they? A. They would be our SOPs for our distribution centers. Q. Which are standard operating procedures A. Yes. Q with respect to controlled drugs? A. Yes. Q. Controlled drugs include narcotics such as hydrocodone-combination products, correct? A. Correct. Q. Controlled drugs also include OxyContin and oxymorphone drugs, correct, although the distribution centers did not handle those, correct? A. Correct. Q. Those drugs were sold at CVS retail

	Daga 96		Daga 00
1	Page 86 certain because I didn't work in retail.	1	Page 88 BY MR. BAKER:
2	Q. It then goes on to state, "I hope to	2	Q. This is Bates Number 88956 through
3	receive it back today. I will forward it as	3	89025, correct, the first page and the last
4	soon as I get the information, that the draft	4	
5	is acceptable."	5	page? A. Yes.
6	_	6	
7	Do you see that?	7	Q. This is an e-mail from you, Amy
	A. Yes, I see that.		Propatier, to Annette Lamoureux, dated
8	Q. Did I read that correctly?	8	8/26/2010; is that correct?
9	A. Yes.	9	A. Correct.
10	Q. The next is in that string is an	10	Q. And this relates to a DEA SOP
11	e-mail dated August 23, 2010 from Frank Devlin	11	8/25/2010, correct?
12	to John Mortelliti copying you, Amy Propatier,	12	A. 8/26?
13	correct?	13	Q. It says DEA SOP
14	A. Yes.	14	A. Oh wait, sorry.
15	Q. And it's regarding the DEA SOP.	15	Q 8/25/2010, does it not?
16	Do you see that?	16	A. Yes.
17	A. Yes.	17	Q. And then you turn the next page and it
18	Q. It says, "Good morning, John. Can you	18	has the effective date of the standard
19	work with Amy to get the PSE IRR and	19	operating procedures manual, was 12/1/07,
20	controlled drug IRR inserted into our DEA SOP	20	correct?
21	under suspicious order monitoring? We	21	A. Correct.
22	promised this to the DEA by Wednesday."	22	Q. That was the initial written standard
23	Do you see that?	23	operating procedures manual of CVS. That's
24	A. Yes.	24	the first one, 12/1 of 2007, correct
	Page 87		Page 89
1	Q. Do you know what that is referencing	1	MR. BUSH: Objection.
2	"We promised this to the DEA by Wednesday,"	2	BY MR. BAKER:
3	what that's all about?	3	Q in this series?
4	A. I don't recall.	4	A. In this series.
5	Q. Did you know at the time of this	5	Q. Correct? Is that correct?
6	e-mail that there was an inspection by the DEA	6	A. For this document, yes.
7	going on at the Indianapolis distribution	7	Q. And this revision is 8/25/2010,
8	center?	8	
			correct?
9	A. I can't say if I recall.	9	A. Correct.
10	Q. Do you recall what the reason was that	10	Q. And what was going on is that CVS, for
	thic NI IVI housey this written NI IVI holicy was	11	the first time, was adding a written
11	this SOM policy this written SOM policy was	1 2	
12	attempting to be inserted into the standard	12	suspicious order monitoring policy within its
12	attempting to be inserted into the standard operating procedure of CVS during that same	13	standard operating procedure manual, correct?
12 13 14	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at	13 14	standard operating procedure manual, correct? A. I can't say
12 13 14 15	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility?	13 14 15	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection.
12 13 14 15	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection.	13 14 15 16	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that.
12 13 14 15 16 17	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection. A. I can't say I recall.	13 14 15 16 17	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that. BY MR. BAKER:
12 13 14 15 16 17	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection. A. I can't say I recall. BY MR. BAKER:	13 14 15 16 17 18	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that. BY MR. BAKER: Q. Are you familiar with whether let
12 13 14 15 16 17	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection. A. I can't say I recall. BY MR. BAKER: Q. Now, let me show you what's marked as	13 14 15 16 17 18	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that. BY MR. BAKER: Q. Are you familiar with whether let me ask you this: Do you know of any
12 13 14 15 16 17	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection. A. I can't say I recall. BY MR. BAKER:	13 14 15 16 17 18 19	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that. BY MR. BAKER: Q. Are you familiar with whether let me ask you this: Do you know of any suspicious order monitoring written policy
12 13 14 15 16 17 18 19	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection. A. I can't say I recall. BY MR. BAKER: Q. Now, let me show you what's marked as	13 14 15 16 17 18	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that. BY MR. BAKER: Q. Are you familiar with whether let me ask you this: Do you know of any suspicious order monitoring written policy that was ever made part of a standard
12 13 14 15 16 17 18 19 20	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection. A. I can't say I recall. BY MR. BAKER: Q. Now, let me show you what's marked as	13 14 15 16 17 18 19	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that. BY MR. BAKER: Q. Are you familiar with whether let me ask you this: Do you know of any suspicious order monitoring written policy that was ever made part of a standard operating procedures manual for CVS before
12 13 14 15 16 17 18 19 20 21	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection. A. I can't say I recall. BY MR. BAKER: Q. Now, let me show you what's marked as Exhibit No. 97.	13 14 15 16 17 18 19 20 21	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that. BY MR. BAKER: Q. Are you familiar with whether let me ask you this: Do you know of any suspicious order monitoring written policy that was ever made part of a standard
12 13 14 15 16 17 18 19 20 21	attempting to be inserted into the standard operating procedure of CVS during that same time frame that the inspection was going on at the Indianapolis facility? MR. BUSH: Objection. A. I can't say I recall. BY MR. BAKER: Q. Now, let me show you what's marked as Exhibit No. 97. (Exhibit No. 97 marked for	13 14 15 16 17 18 19 20 21	standard operating procedure manual, correct? A. I can't say MR. BUSH: Objection. A that. BY MR. BAKER: Q. Are you familiar with whether let me ask you this: Do you know of any suspicious order monitoring written policy that was ever made part of a standard operating procedures manual for CVS before

	5 1		-
	Page 90		Page 92
1	A. I can't recall.	1	before yesterday, something that you review
2	Q. Would the answer be no, you're not	2	every week? Tell me. Tell me.
3	familiar with any prior written standard	3	A. I don't work with this document in my
4	operating suspicious order monitoring written	4	current role.
5	policy being inserted within an SOP before	5	Q. Had you ever read this document before
6	8/25/10? You're not familiar with that?	6	yesterday?
7	MR. BUSH: Objection. Asked and	7	A. I'm sure I have, yes.
8	answered.	8	Q. Do you know when that would have
9	BY MR. BAKER:	9	been?
10	Q. You say you don't recall?	10	A. I can't remember.
11	A. Yeah I don't recall.	11	Q. Let me direct you to section Roman
12	Q. Let me ask you this way: Have you	12	numeral 8, Subsection D. And it's Roman
13	ever seen a written SOM, suspicious order	13	numeral 8-5.
14	monitoring, policy of CVS at any time that was	14	MR. BUSH: This is Bates Number
15	part of the standard operating procedures	15	8995; is that right?
16	manual of CVS at any time before 8/25/2010?	16	MR. BAKER: Yes. This is going
17	MR. BUSH: Objection. Asked and	17	to be page Number 8995. Give me just a
18	answered.	18	second. Let's go off record for just a
19	A. Yeah, I don't recall.	19	second. Let's go on record for just a second.
20	A. Yean, I don't recall. BY MR. BAKER:	20	THE VIDEOGRAPHER: The time is
21		21	
22	Q. All right. Did you read this document	22	10:55 am. We're off the record.
23	that's called "DEA SOP 8/25/10" that's	23	(Dances tolors from 10.55
	attached to this e-mail before you wrote this		(Recess taken from 10:55 a.m.
24	e-mail that says, "Can you please post? We	24	to 10:58 a.m.)
	Page 91		Page 93
1	added this suspicious order monitoring"?	1	
2	Did you read the document before you	2	THE VIDEOGRAPHER: The time is
3	asked for it to be posted?	3	10:58 a.m. We're on the record.
4	A. I can't remember.	4	MR. BUSH: I'm going to object
5	Q. At any time in your preparations for	5	in the future for going off the record to try
6	your testimony, have you reviewed this	6	and figure out where you are in your
7	document?	7	questioning. This is your time.
8	A. I've seen	8	And I understand if there were
9			
1 -	MR. BUSH: You can say yes or	9	problems with the witness answering, taking
10	MR. BUSH: You can say yes or no	10	problems with the witness answering, taking too long. And I understand you've got a time
	• •		too long. And I understand you've got a time
10	no A. Yes.	10	too long. And I understand you've got a time limit, but I don't think it's appropriate to
10 11	no A. Yes. MR. BUSH: but	10 11	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out
10 11 12	no A. Yes. MR. BUSH: but A. Yes.	10 11 12	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions.
10 11 12 13	no A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER:	10 11 12 13	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record.
10 11 12 13 14	no A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes?	10 11 12 13 14	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future.
10 11 12 13 14 15	no A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes? A. I've seen this document.	10 11 12 13 14 15	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future. MR. BAKER: I'll just use my
10 11 12 13 14 15	no A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes? A. I've seen this document. Q. When did you last review this	10 11 12 13 14 15 16	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future. MR. BAKER: I'll just use my time as I deem appropriate.
10 11 12 13 14 15 16 17	no A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes? A. I've seen this document. Q. When did you last review this document?	10 11 12 13 14 15 16 17	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future. MR. BAKER: I'll just use my time as I deem appropriate. MR. BUSH: Well, I'm not
10 11 12 13 14 15 16 17 18	A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes? A. I've seen this document. Q. When did you last review this document? A. I saw it yesterday.	10 11 12 13 14 15 16 17 18	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future. MR. BAKER: I'll just use my time as I deem appropriate. MR. BUSH: Well, I'm not necessarily agreeing that you get to go off
10 11 12 13 14 15 16 17 18 19 20	A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes? A. I've seen this document. Q. When did you last review this document? A. I saw it yesterday. Q. And when did you last see it before	10 11 12 13 14 15 16 17 18 19	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future. MR. BAKER: I'll just use my time as I deem appropriate. MR. BUSH: Well, I'm not necessarily agreeing that you get to go off the record. I'm telling you that now.
10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes? A. I've seen this document. Q. When did you last review this document? A. I saw it yesterday. Q. And when did you last see it before yesterday?	10 11 12 13 14 15 16 17 18 19 20 21	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future. MR. BAKER: I'll just use my time as I deem appropriate. MR. BUSH: Well, I'm not necessarily agreeing that you get to go off the record. I'm telling you that now. Hopefully it won't be an issue.
10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes? A. I've seen this document. Q. When did you last review this document? A. I saw it yesterday. Q. And when did you last see it before yesterday? A. I don't know. I can't recall.	10 11 12 13 14 15 16 17 18 19 20 21	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future. MR. BAKER: I'll just use my time as I deem appropriate. MR. BUSH: Well, I'm not necessarily agreeing that you get to go off the record. I'm telling you that now. Hopefully it won't be an issue. BY MR. BAKER:
10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. MR. BUSH: but A. Yes. BY MR. BAKER: Q. Yes? A. I've seen this document. Q. When did you last review this document? A. I saw it yesterday. Q. And when did you last see it before yesterday?	10 11 12 13 14 15 16 17 18 19 20 21	too long. And I understand you've got a time limit, but I don't think it's appropriate to go off the record while you try to figure out where you are in your questions. I'm just putting that on the record. We'll worry about that in the future. MR. BAKER: I'll just use my time as I deem appropriate. MR. BUSH: Well, I'm not necessarily agreeing that you get to go off the record. I'm telling you that now. Hopefully it won't be an issue.

	Page 94		Page 96
1	(Exhibit No. 94 marked for	1	e-mail?
2	identification.)	2	A. Yes.
3	identification.)	3	
4	BY MR. BAKER:	4	Q. Okay. Are you familiar with what the big issue was with CVS and the DEA relative to
5		5	
6	Q. I would ask you if you've ever seen	6	getting a rough draft of the SOM SOP?
7	this exhibit before. That's an e-mail dated	7	MR. BUSH: Objection. Go ahead.
8	11/5/2009.		A. I don't know what he's referring to.
	Do you see that?	8	BY MR. BAKER:
9	A. Uh-huh, yes.	9	Q. Other than participating with
10	Q. Do you see where this is an e-mail	10	requesting that the suspicious order
11	from Mr. John Mortelliti to Christopher Knight	11	monitoring policy be inserted into the SOP on
12	dated 11/5/2009?	12	8/25/2010, did you have anything at all to do
13	A. Yes.	13	with that policy, whether it be drafting it or
14	Q. Who is John Mortelliti at this time of	14	implementing it, in your job at CVS?
15	2009?	15	A. With the whole policy?
16	A. He worked in loss prevention in the	16	Q. Yes, ma'am, the suspicious order
17	Lumberton distribution center.	17	monitoring policy.
18	Q. And who is Christopher Knight	18	A. I worked with implementing it, the
19	11/5/2009?	19	DCs, like sending it out to make sure
20	A. I do not know.	20	everybody had it, and updating information in
21	Q. Let me read the e-mail. Tell me if	21	it.
22	this is a correct reading.	22	Q. Other than that, did you have anything
23	It says, "Sounds good. I'm trying to	23	to do with it?
24	get a rough draft SOM SOP to you prior to the	24	A. As far as?
	Page 95		Page 97
1	meeting. This is a big issue with CVS and the	1	Q. You've answered the question. Other
			Q. Tou ve answered the question. Other
2	DEA."	2	than that, did you?
3	•		
	DEA."	2	than that, did you?
3	DEA." Do you see that?	2 3	than that, did you? A. Not that I recall.
3 4	DEA." Do you see that? A. Yes. Q. Do you know what the context of that	2 3 4	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it,
3 4 5	DEA." Do you see that? A. Yes.	2 3 4 5	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which
3 4 5 6	DEA." Do you see that? A. Yes. Q. Do you know what the context of that big issue is with CVS and the DEA relative to	2 3 4 5 6	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which title job, the one listed in the SOM SOP or
3 4 5 6 7	DEA." Do you see that? A. Yes. Q. Do you know what the context of that big issue is with CVS and the DEA relative to an SOM SOP being drafted? A. I do not.	2 3 4 5 6 7	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which title job, the one listed in the SOM SOP or the one that you're listed in personnel?
3 4 5 6 7 8	DEA." Do you see that? A. Yes. Q. Do you know what the context of that big issue is with CVS and the DEA relative to an SOM SOP being drafted?	2 3 4 5 6 7 8	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which title job, the one listed in the SOM SOP or the one that you're listed in personnel? A. Both titles were on my name, so I
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3 4 5 6 7 8 9 10 11 12 13	DEA." Do you see that? A. Yes. Q. Do you know what the context of that big issue is with CVS and the DEA relative to an SOM SOP being drafted? A. I do not. MR. BUSH: Objection. Q. Okay. Let me MR. BUSH: Let me just object. BY MR. BAKER: Q. I'll ask the question again because he overrode your answer.	2 3 4 5 6 7 8 9 10 11 12	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which title job, the one listed in the SOM SOP or the one that you're listed in personnel? A. Both titles were on my name, so I would have e-mailed it out as my in my script line. Q. Let me show you an exhibit that's an e-mail dated 9/1/2010. And we'll mark it as Exhibit No. 81.
3 4 5 6 7 8 9 10 11 12 13 14	DEA." Do you see that? A. Yes. Q. Do you know what the context of that big issue is with CVS and the DEA relative to an SOM SOP being drafted? A. I do not. MR. BUSH: Objection. Q. Okay. Let me MR. BUSH: Let me just object. BY MR. BAKER: Q. I'll ask the question again because he	2 3 4 5 6 7 8 9 10 11 12 13	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which title job, the one listed in the SOM SOP or the one that you're listed in personnel? A. Both titles were on my name, so I would have e-mailed it out as my in my script line. Q. Let me show you an exhibit that's an e-mail dated 9/1/2010. And we'll mark it as
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	DEA." Do you see that? A. Yes. Q. Do you know what the context of that big issue is with CVS and the DEA relative to an SOM SOP being drafted? A. I do not. MR. BUSH: Objection. Q. Okay. Let me MR. BUSH: Let me just object. BY MR. BAKER: Q. I'll ask the question again because he overrode your answer. MR. BUSH: No. Actually, I think it's reflected on the record. BY MR. BAKER: Q. Let me read this again. It says, "Sounds good. I'm trying to get a rough draft SOM SOP to you prior to the meeting. This is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which title job, the one listed in the SOM SOP or the one that you're listed in personnel? A. Both titles were on my name, so I would have e-mailed it out as my in my script line. Q. Let me show you an exhibit that's an e-mail dated 9/1/2010. And we'll mark it as Exhibit No. 81. (Exhibit No. 81 marked for identification.) BY MR. BAKER: Q. It's Bates Number 75299 through 75312. Have you ever seen this e-mail before or this
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	DEA." Do you see that? A. Yes. Q. Do you know what the context of that big issue is with CVS and the DEA relative to an SOM SOP being drafted? A. I do not. MR. BUSH: Objection. Q. Okay. Let me MR. BUSH: Let me just object. BY MR. BAKER: Q. I'll ask the question again because he overrode your answer. MR. BUSH: No. Actually, I think it's reflected on the record. BY MR. BAKER: Q. Let me read this again. It says, "Sounds good. I'm trying to get a rough draft SOM SOP to you prior to the meeting. This is a big issue with CVS and the DEA."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which title job, the one listed in the SOM SOP or the one that you're listed in personnel? A. Both titles were on my name, so I would have e-mailed it out as my in my script line. Q. Let me show you an exhibit that's an e-mail dated 9/1/2010. And we'll mark it as Exhibit No. 81. (Exhibit No. 81 marked for identification.) BY MR. BAKER: Q. It's Bates Number 75299 through 75312. Have you ever seen this e-mail before or this e-mail string?
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	DEA." Do you see that? A. Yes. Q. Do you know what the context of that big issue is with CVS and the DEA relative to an SOM SOP being drafted? A. I do not. MR. BUSH: Objection. Q. Okay. Let me MR. BUSH: Let me just object. BY MR. BAKER: Q. I'll ask the question again because he overrode your answer. MR. BUSH: No. Actually, I think it's reflected on the record. BY MR. BAKER: Q. Let me read this again. It says, "Sounds good. I'm trying to get a rough draft SOM SOP to you prior to the meeting. This is a big issue with CVS and the DEA."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	than that, did you? A. Not that I recall. Q. And insofar as you're implementing it, the implementation of it would have been which title job, the one listed in the SOM SOP or the one that you're listed in personnel? A. Both titles were on my name, so I would have e-mailed it out as my in my script line. Q. Let me show you an exhibit that's an e-mail dated 9/1/2010. And we'll mark it as Exhibit No. 81. (Exhibit No. 81 marked for identification.) BY MR. BAKER: Q. It's Bates Number 75299 through 75312. Have you ever seen this e-mail before or this e-mail string?

	Page 98		Page 100
1	THE WITNESS: I am.	1	something that's just there.
2	A. (Witness reviews document.)	2	Q. Okay. As opposed to a tool. What's a
3	Not that I recall.	3	tool?
4	BY MR. BAKER:	4	MR. BUSH: Objection.
5	Q. Now, you recall that in that 8/25/10	5	A. I guess my definition of a tool is
6	SOP and ones thereafter, you had a title that	6	something you use.
7	was DEA compliance coordinator. Do you	7	BY MR. BAKER:
8	remember that?	8	Q. Was your name being inserted into the
9	A. Yes.	9	SOM portion of the policies and procedures
10	Q. Now, let me ask you to look at the	10	manual simply a prop when you were being
11	e-mail well, before I go to my next	11	described as DEA compliance coordinator?
12	question, you remember that in personnel at no	12	MR. BUSH: Objection.
13	time were you ever listed in that position; is	13	BY MR. BAKER:
14	that correct?	14	Q. Is that what it was?
15	A. Correct.	15	MR. BUSH: Objection.
16	Q. Now, look at the e-mail on this	16	A. I don't recall my name in the SOM
17	document dated September 1, 2010 at 10:53 a.m.	17	portion of the SOP.
18	between John Mortelliti and various people.	18	BY MR. BAKER:
19	Do you see that?	19	Q. I showed you one at a later date where
20	A. Yes.	20	you were put in there.
21	Q. It talks about the subject is "DEA	21	MR. BUSH: Objection. That
22	Speaking Points."	22	misstates the record. Objection.
23	Do you see that?	23	A. Yeah, I don't recall that that
24	A. Yes.	24	referred to me in the SOM capacity.
	Page 99		Page 101
1	Q. And the importance is high, correct?	1	BY MR. BAKER:
2	A. Yes.	2	Q. Could you hand me Exhibit 204, please?
3	Q. It says, "Team, these are the final	3	MR. BUSH: You want her to hand
4	approved speaking points for the DEA agents if	4	you the one that she has or you want your own?
5	they come out if they come to one of your	5	MR. BAKER: Exhibit 204.
6	facilities and question suspicious monitoring.	6	MR. BUSH: She's going to need
7	It is okay to share this document. Please be	7	to look at it.
8	sure your team understands it before	8	BY MR. BAKER:
9	•	1	
_	presenting it so it doesn't look like a prop	9	Q. Do you remember, in Exhibit 204, I
10	presenting it so it doesn't look like a prop instead of a tool."	9	
			Q. Do you remember, in Exhibit 204, I
10	instead of a tool." Is that what it says?	10	Q. Do you remember, in Exhibit 204, I asked you to look at page X-8, which is 10-8,
10 11	instead of a tool." Is that what it says? A. That's what it says.	10 11	Q. Do you remember, in Exhibit 204, I asked you to look at page X-8, which is 10-8, on Bates Number 8559?
10 11 12	instead of a tool." Is that what it says?	10 11 12	Q. Do you remember, in Exhibit 204, I asked you to look at page X-8, which is 10-8, on Bates Number 8559? MR. BUSH: Okay. Hold on. Let
10 11 12 13	instead of a tool." Is that what it says? A. That's what it says. Q. Is "prop" is something that's a false	10 11 12 13	Q. Do you remember, in Exhibit 204, I asked you to look at page X-8, which is 10-8, on Bates Number 8559? MR. BUSH: Okay. Hold on. Let me get where we are.
10 11 12 13 14	instead of a tool." Is that what it says? A. That's what it says. Q. Is "prop" is something that's a false premise; is that correct?	10 11 12 13 14	Q. Do you remember, in Exhibit 204, I asked you to look at page X-8, which is 10-8, on Bates Number 8559? MR. BUSH: Okay. Hold on. Let me get where we are. BY MR. BAKER:
10 11 12 13 14 15	instead of a tool." Is that what it says? A. That's what it says. Q. Is "prop" is something that's a false premise; is that correct? MR. BUSH: Objection.	10 11 12 13 14 15	Q. Do you remember, in Exhibit 204, I asked you to look at page X-8, which is 10-8, on Bates Number 8559? MR. BUSH: Okay. Hold on. Let me get where we are. BY MR. BAKER: Q. Do you remember that? Do you remember
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10 11 12 13 14 15 16 17 18 19 20 21	instead of a tool." Is that what it says? A. That's what it says. Q. Is "prop" is something that's a false premise; is that correct? MR. BUSH: Objection. A. I don't know the definition off the top of my head. BY MR. BAKER: Q. What is a prop? What is a prop? MR. BUSH: Objection. BY MR. BAKER: Q. What do you what is your definition	10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you remember, in Exhibit 204, I asked you to look at page X-8, which is 10-8, on Bates Number 8559? MR. BUSH: Okay. Hold on. Let me get where we are. BY MR. BAKER: Q. Do you remember that? Do you remember that? A. Yes, yes. Q. Do you remember where in this manual and this is the one that's updated this is 12/1/07 that was updated on 8/25/10 where insertion of the SOM into the SOP exists. And now the most recent revision
10 11 12 13 14 15 16 17 18 19 20 21	instead of a tool." Is that what it says? A. That's what it says. Q. Is "prop" is something that's a false premise; is that correct? MR. BUSH: Objection. A. I don't know the definition off the top of my head. BY MR. BAKER: Q. What is a prop? What is a prop? MR. BUSH: Objection. BY MR. BAKER:	10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you remember, in Exhibit 204, I asked you to look at page X-8, which is 10-8, on Bates Number 8559? MR. BUSH: Okay. Hold on. Let me get where we are. BY MR. BAKER: Q. Do you remember that? Do you remember that? A. Yes, yes. Q. Do you remember where in this manual and this is the one that's updated this is 12/1/07 that was updated on 8/25/10 where insertion of the SOM into the

	Page 102	Ι	Page 104
1	_	1	
2	Do you see that?	2	just the SOM part.
3	MR. BUSH: Objection. You can		MR. BAKER: I'll restate the
	answer.	3	question.
4	A. Yes.	4 5	BY MR. BAKER:
5	BY MR. BAKER:		Q. Do you recall performing any duties as
6	Q. Do you see in this document because	6	a CVS DEA compliance coordinator before
7	there's an objection. I'm not sure what the	7	8/25/10?
8	objection is, so I'm going to keep asking the	8	A. In reference to the SOP? My title was
9	question until I get it right.	9	pharmacy manager, but I don't recall
10	There is a document that I've shown	10	specifically.
11	you on page X-8, which is Bates Number 8559,	11	Q. My question then is with you being
12	that lists you, Amy Propatier, as CVS DEA	12	described as the CVS DEA compliance
13	compliance coordinator, correct?	13	coordinator on 8/25/10, was that a prop or was
14	A. Yes.	14	that a tool?
15	Q. And this is part of controlled drug	15	MR. BUSH: Objection.
16	DEA Standard Operating Procedures Manual of	16	A. That was
17	CVS distribution center, effective date	17	MR. BUSH: Go ahead.
18	12/1/07, last updated 11/8/11, correct?	18	A. That was a contact tool.
19	A. Correct.	19	BY MR. BAKER:
20	Q. Were you the CVS DEA compliance	20	Q. A contact tool?
21	coordinator when you participated via e-mail	21	A. Yes.
22	to have the SOM inserted into the SOP 8/25/10,	22	Q. Other than a contact tool, was there
23	yes or no?	23	any reason for you to be named as a DEA
24	A. Yes.	24	compliance coordinator 8/25/10, that you're
	Page 103		Page 105
1	Q. Were you considered the CVS DEA	1	aware of?
2	compliance coordinator as a prop or as a	2	A. Not that I recall.
3	tool?	3	Q. As a contact tool, that means that if
4	MR. BUSH: Objection.	4	the DEA comes knocking that they're supposed
5	A. As a tool.	5	to contact you; is that right?
6	BY MR. BAKER:	6	A. No.
7	Q. And your tools that you used to be CVS	7	Q. You're just a contact tool for the
8	DEA compliance coordinator, 8/25/10, that you	8	purpose of being somebody that has a title
9	were implementing on 8/25/10 were exactly	9	named DEA compliance coordinator to put into
10	what?	10	an SOM at that time; is that correct?
11	A. I was updating an SOP.	11	A. No.
12	Q. Other than updating an SOP, did you do	12	Q. Are you familiar with what an IRR is?
13	anything in your duties as a DEA compliance	13	A. No.
14	coordinator 8/25/10?	14	Q. If I told you that it was an internal
15	A. Not that I can recall.	15	review report would that surprise you?
16	Q. And had you been doing anything up to	16	A. No.
17	8/25/10 as a CVS DEA compliance coordinator?	17	Q. Did you have anything to do as DEA
18	MR. BUSH: May I ask a point of	18	compliance coordinator for CVS with either
19	clarification?	19	drafting policies and procedures that dealt
20	MR. BAKER: You can object to	20	with IRRs or implementing the IRR program?
21	form.	21	A. No.
22	MR. BUSH: Well, I object to	22	Q. Let me show you Exhibit No. 36.
23	form. I think it's ambiguous, what you	23	
24	whether you're asking about the whole SOP or	24	(Exhibit No. 36 marked for
1			

	Page 106		Page 10
1	identification.)	1	context of being named that, whether you
2		2	actually did anything or not, that the IRR's
3	BY MR. BAKER:	3	mandated by the DEA; therefore, CVS had to
4	Q. It is Bates Number 12286. It's an	4	adhere to this monitoring policy?
5	e-mail dated 12/26/2011, subject matter, "IRR	5	MR. BUSH: Objection.
6	bullet points revised DEA speaking points."	6	A. Can you say that again?
7	Do you see that?	7	BY MR. BAKER:
8	A. Yes.	8	Q. In your title as DEA compliance
9	Q. The prior e-mail I showed you that	9	coordinator, were you ever taught that the IRR
10	discussed a prop versus a tool. That was also	10	is mandated by the DEA?
11	a DEA speaking point e-mail, correct? We'll	11	A. Not that I recall.
12	let it speak for itself	12	Q. Do you disagree with this e-mail that
13	A. Yes.	13	Mr. Lawson is sending to Mr. Scholl, that the
14	Q but you recall that, right?	14	IRR is mandated by the DEA, therefore, "we,"
15	A. Yes, I recall that.	15	meaning CVS, have to adhere to this monitoring
L6	Q. And it was a DEA speaking point e-mail	16	policy?
L7	was it not?	17	MR. BUSH: Objection.
18	MR. BUSH: Exhibit 81.	18	BY MR. BAKER:
19	A. Was it this one?	19	Q. Do you disagree with that?
20	(Witness reviews document.)	20	MR. BUSH: Objection.
21	That's what it refers to.	21	A. No.
22	BY MR. BAKER:	22	BY MR. BAKER:
23	Q. And here's another DEA speaking points	23	Q. You were never told as DEA compliance
24	e-mail dated 12/26/2011, correct?	24	coordinator in your title as a DEA
	c-man dated 12/20/2011, correct:		coordinator In your title as a DEA
	Page 107		Page 10
1	A. Yes.	1	compliance regulator that an IRR program was
2	Q. This says below, at the bottom, the	2	even going on within CVS?
3	last paragraph, this is from Paul Lawson to	3	MR. BUSH: Objection. Misstates
4	Joseph Scholl, 12/26/2011, correct?	4	her title.
5	A. Yes.	5	BY MR. BAKER:
6	Q. And do you know who Paul Lawson was at	6	Q. What was your title?
7	the time of this e-mail?	7	A. Coordinator.
8	A. I know the name.	8	MR. BUSH: You used the word
9	Q. Do you know what department he was in?	9	"regulator."
10	A. I don't remember.	10	A. Yes, yes.
11	Q. Do you know Joseph Scholl at the time	11	BY MR. BAKER:
12	of this e-mail?	12	Q. As DEA compliance coordinator at CVS
13	A. I know the name.	13	were you ever even told about the IRR program
14	Q. Do you know what department he was in?	14	and what it meant and how it was
15	A. I don't recall.	15	implemented?
16	Q. Let me read the last paragraph of this	16	A. Not that I recall.
17	e-mail. It says, "The IRR is mandated by the	17	Q. As DEA compliance coordinator, did yo
	DEA; therefore, we have to adhere to this	18	ever participate in conference calls relative
18	, , ,,		to the controlled drug IRR implementation?
		119	
19	monitoring policy."	20	2 1
19 20	monitoring policy." Is that a correct reading of that	20	A. No, not that I recall.
19 20 21	monitoring policy." Is that a correct reading of that e-mail?	20 21	2 1
19 20 21 22	monitoring policy." Is that a correct reading of that e-mail? A. Yes.	20 21 22	A. No, not that I recall.Q. Let me show you Exhibit No. 17.
18 19 20 21 22 23 24	monitoring policy." Is that a correct reading of that e-mail?	20 21	A. No, not that I recall.

DEA compliance coordinator for CVS at a title put within the SOM written SOM were also working in logistics; is that correct? And do you see where this is called "A controlled drug IRR implementation conference call"? Do you see that? It's dated 9 9/24/2010. 8 A. Yes, Ido. 9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP for CVS, correct? 12 A. Yes. 13 Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS; is that correct? 14 A. Yes. 15 is that correct? 16 A. Yes. 17 Q. Exactly how did you perform this task of insertion of the SOM into the SOP electronically insert that SOM into the SOP? 22 A. I don't recall specifically, but I can speculate that I probably copied and pasted the document from the resource that I got it 16 from. 2 Q. That's insertion? 3 A. Yesh. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? A. Yes. Q. Other than that, did you have anything to do with the insertion process? A. Yesh. Q. Other than that, did you have anything to do with the insertion process? MR. BUSH: Objection. A. I don't recall. A. Yesh. Q. Let's take a look at Exhibit No. 17. Have you ever seen this before? MR. BUSH: Take your time and DEA comptilate at title put within the SOM written SOM were also working in logistics; is that correct? A. Correct. Q. And logistics would include somebre that would have been briefed on the IRR process. That would be you; is that correct? A. I can't MR. BUSH: Objection. A. I can't MR. BUSH: Objection. A. I can't MR. BUSH: Objection. A. I the process, according to this conference call, a title put within the SOM MR. BUSH: Take your time and Deas Now at the bottom, where it says, "Friday 9/24, logistics will be briefed on the IRR process will be briefed on the IRR pr		<u> </u>		
a title put within the SOM — written SOM. And do you see where this is called "A controlled drug IRR implementation conference call"? Do you see that? It's dated 9 9/24/2010. 8 A. Yes, I do. 9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP 11 participated in inserting the SOM into the SOP 12 A. Yes. 13 Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS; 15 is that correct? 16 A. Yes. 17 Q. Exactly how did you perform this task 18 of insertion of the SOM into the SOP when you performed that insertion task? What did you performed that insertion task? What did you do — what exactly did you do to physically or electronically insert that SOM into the SOP? 18 A. I don't recall specifically, but I can speculate that I probably copied and pasted the document from the resource that I got it 1 from. 2 Q. That's insertion? 3 A. Yesh. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 10 MR. BUSH: Objection. 11 A. I don't know what you mean. 12 BY MR. BAKER: 13 Q. Let's take a look at Exhibit No. 17. 14 Have you ever seen this before? 15 A. Not that I recall. 16 Q. Again, it's a subject controlled drug 17 IRR implementation conference 18 A. Cub-huh. 29 Correct. 20 a title put within the SOM were also working in logistics; is that correct? A. Correct. Q. And logistics would include someb that would have been briefed on the IRR process, according to this conference call, down at the bottom, where it says, "Friday op 224, logistics will be briefed on the IRR process." That would be you; is that correct? A. I can't say if that would have been me. BY MR. BAKER: Q. Let me ask you to read this with me Does this document say, "Friday op 24, logistics will be briefed on the IRR process." BY MR. BAKER: Q. Does it say that? MR. BUSH: Objection. A. I says that. BY MR. BAKER: Q. At the time this document was generated, 9/24/2010, your title within logistics was what again? A. Not that I recall		Page 110		Page 112
Q. Could you pull up Exhibit 17, please? And do you see where this is called "A controlled drug IRR implementation conference call"? Do you see that? It's dated 9 9/24/2010. 9 A. Yes, I do. 9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP 11 for CVS, correct? 12 A. Yes. 13 Q. When I say "inserted," you inserted 14 the written SOM into the written SOP for CVS; 15 is that correct? 16 A. Yes. 17 Q. Exactly how did you perform this task 18 of insertion of the SOM into the SOP when you performed that insertion task? What did you 20 do what exactly did you do to physically or 21 electronically insert that SOM into the SOP? 22 A. I don't recall specifically, but I can 23 speculate that I probably copied and pasted 24 the document from the resource that I got it Page 111 1 from. 2 Q. That's insertion? 3 A. Yeah. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 7 A. Yes. 8 Q. Other than that, did you have anything to do with the insertion process? 10 MR. BUSH: Objection. 11 A. I don't know what you mean. 12 BY MR. BAKER: 13 Q. Let's take a look at Exhibit No. 17. 14 Have you ever seen this before? 15 A. Not that I careall. 16 Q. Again, it's a subject controlled drug 17 IRR implementation conference call 9/24/2010, 18 Bates Number 24559, correct; 20 Correct. 21 A. O'Crect. 22 Correct. 3 were also working in logistics wind include somebit that would have been bricfed on the IRR process. 4 Correct. 4 A. Correct. 4 A. Correct. 4 Q. And logistics would include somebit that would have been bricfed on the IRR process. 4 I can't 5 That would be you; is that correct? 4 A. I can't 6 Q. Let me ask you to read this with me Does this document say. "Friday 9/24, 20 logistics will be briefed on the IRR process." 18 BY MR. BAKER: 9 Q. Det's insertion? 19 A. Yes. 10 A. H says that. 11 A. (By MR. BAKER: 12 BY MR. BAKER: 13 Q. Ard would logistics pharmacy services mane generated, 9/24/2010, your title within logistics was	1			DEA compliance coordinator for CVS at least as
4 And do you see where this is called "A controlled drug IRR implementation conference call," Po you see that? It's dated 7 9/24/2010. 8 A. Yes, Ido. 9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP for CVS, correct? 12 A. Yes. 13 Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS, correct? 14 A. Yes. 15 is that correct? 16 A. Yes. 17 Q. Exactly how did you perform this task of insertion of the SOM into the SOP what did you performed that insertion task? What did you getelectronically insert that SOM into the SOP? 18 A. Yes. 19 Q. That's insertion. 19 Page 111 1 from. 2 Q. That's insertion? 3 A. Yeah. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 7 A. Yes. 8 Q. Other than that, did you have anything to do with the insertion process? 10 MR. BUSH: Objection. 11 A. I don't know what you mean. 12 BY MR. BAKER: 13 Q. Let's take a look at Exhibit No. 17. 14 Have you ever seen this before? 15 A. Not that I recall. 16 Q. Again, it's a subject controlled drug IRR implementation conference call, your time and look at it. 17 A. Not that I recall. 18 G. A. Yes. 19 Correct. 20 And logistics would include someb that would have been briefed on the IRR process. 21 That would be you; is that correct? 22 A. I can't — 23 MR. BUSH: Objection. 24 A. Yes. 25 BY MR. BAKER: 26 D. Let mask you to read this with me insertion process. 26 A. Yes. 27 A. I don't recall specifically, but I can see this document was generated, 92/4/2010, your title within logistics was what again? 28 MR. BUSH: Objection. 29 A. I can't — 20 Does it say that? 21 A. It says that. 29 Does it say that? 21 A. Logistics was what again? 21 A. Logistics pharmacy services managers have anything to do with the controlled drug IRR implementation conference call, 92/4/2010, your title within logistics was what again? 29 A. Not that I recall. 20 Q. Again, it's a subject controlled drug IRR implementation conference call, 92/4/2	2		2	a title put within the SOM written SOM, you
controlled drug IRR implementation conference call" Do you see that? It's dated 9 9/24/2010. 8 A. Yes, I do. 9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP for CVS, correct? 12 A. Yes. 13 Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS; is that correct? 14 A. Yes. 15 is that correct? 16 A. Yes. 17 Q. Exactly how did you perform this task of insertion of the SOM into the SOP performed that insertion task? What did you performed that insertion task? What did you do what exactly did you do to physically or electronically insert that SOM into the SOP? 22 A. I don't recall specifically, but I can speciate that I probably copied and pasted the document from the resource that I got it 10 Page 111 11 from. 12 Q. That's insertion? 3 A. Yesh. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 7 A. Yes. 8 Q. Other than that, did you have anything to do with the insertion process? 10 MR. BUSH: Objection. 11 A. I don't know what you mean. 12 BY MR. BAKER: 13 Q. Let's take a look at Exhibit No. 17. 14 Have you ever seen this before? 15 A. Not that I recall. 16 Q. Again, it's a subject controlled drug IRR implementation conference call 9/24/2010, Bates Number 24559, correct? 15 MR. BUSH: Take your time and look at it. 16 A. Not. 17 A. Not. 18 A. Witness reviews document.) 29 Correct. 20 And logistics would include somebre to all down at the bottom, where it says, "Friday 9/24, logistics will be biefed on the IRR process." 18 That would be you; is that correct? 19 A. I can't	3		3	
6 call"? Do you see that? It's dated 7 9/24/2010. 8 A. Yes, I do. 9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP 11 for CVS, correct? 12 A. Yes. 13 Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS; is that correct? 14 the written SOM into the written SOP for CVS; is that correct? 15 A. Yes. 17 Q. Exactly how did you perform this task of insertion of the SOM into the SOP when you performed that insertion task? What did you performed that insertion task? What did you of ophysically or electronically insert that SOM into the SOP? 18 A. I can't say if that would have been me. 19 Does this document say, "Friday, 9/24, logistics will be briefed on the IRR process." 19 A. I can't - 10 MR. BUSH: Objection. 10 Does this document say, "Friday, 9/24, logistics will be briefed on the IRR process." 10 MR. BUSH: Objection. 11 A. I don't know hat you mean. 12 BY MR. BAKER: 13 Q. Other than that, did you have anything to do with the insertion process? 14 A. Not that I recall. 15 A. Not that I recall. 16 Q. Again, it's a subject controlled drug IRR implementation conference call 9/24/2010, Bates Number 24559, correct? 18 MR. BUSH: Objection. 19 A. Not that I recall. 19 MR. BUSH: Take your time and look at it. 20 Correct. 21 A. Witness reviews document.) 22 Correct. 23 A. Witness reviews document.) 24 Correct. 25 A. Witness reviews document.) 26 Correct. 27 A. Witness reviews document.) 28 Q. And would logistics will be briefed on the IRR process. 29 A. I can't say if that would have been me. 39 A. I can't say if that would have been me. 40 C. Let me ask you to read this with me poses this document say, "Friday 9/24, logistics will be briefed on the IRR proces. 40 A. I can't say if that would have been me. 41 BY MR. BUSH: Objection. 41 A. It an't say if that would have been me. 42 BY MR. BAKER: 42 Q. Does it say that? 43 MR. BUSH: Objection. 44 A. Logistics will be briefed on the IRR process. 45 Q. Does it say that? 46 A. It an't say if that would have	4	•	4	
7 9/24/2010. 8 A. Yes, I do. 9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP for CVS, correct? 12 A. Yes. 13 Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS; is that correct? 14 the written SOM into the written SOP for CVS; is that correct? 15 is that correct? 16 A. Yes. 17 Q. Exactly how did you perform this task of insertion of the SOM into the SOP when you performed that insertion task? What did you do what exactly did you do to physically or electronically insert that SOM into the SOP? 18 A. I don't recall specifically, but I can speculate that I probably copied and pasted the document from the resource that I got it from. 19 G. That's insertion? 20 Q. That's insertion? 31 A. Yeah. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 31 A. Yeah. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 3 A. Yeah. 4 Q. Other than that, did you have anything to do with the insertion process? 3 A. Yeah. 4 Q. Other than that, did you have anything to do with the insertion process? 4 A. Yes. 5 Q. Other than that, did you have anything to do with the insertion process? 5 A. Not that I recall. 6 A. Not that I recall. 7 IRR implementation conference call 9/24/2010, Battes Number 24559, correct? 8 that would have been the story, where it says, "Friday poy24, logistics will be briefed on the IRR process. 7 A. I can't 8 MR. BUSH: Objection. 8 MR. BUSH: Objection. 8 MR. BUSH: Objection. 8 A. I can't 9 MR. BUSH: Objection. 9 A. I can't 19 MR. BUSH: Objection of the sak you to read this with me Does this document yas, "Friday, poy24. 20 obset its ay that Poye to set is say that? 9 A. I can't 19 MR. BUSH: Objection. 10 A. It says that. 11 BY MR. BAKER: 12 Q. At the time this document was generated, 9/24/2010, your title within logistics was what again? 13 A. I can't 14 Have you ever seen this bef	5	controlled drug IRR implementation conference	5	A. Correct.
8 A. Yes, I do. 9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP in the written SOM into the written SOP for CVS; correct? 12 A. Yes. 13 Q. When I say "inserted," you inserted the the written SOM into the written SOP for CVS; is that correct? 14 the written SOM into the written SOP for CVS; is that correct? 15 is that correct? 16 A. Yes. 17 Q. Exactly how did you perform this task of insertion of the SOM into the SOP when you performed that insertion task? What did you do what exactly did you do to physically or electronically insert that SOM into the SOP? 18 A. I don't recall specifically, but I can speculate that I probably copied and pasted the document from the resource that I got it 19 Trom. 20 Q. That's insertion? 31 A. Yeah. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 31 A. Yeah. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 3 A. Yes. 4 Q. Other than that, did you have anything to do with the insertion process? 4 Q. Other than that, did you mean. 5 MR. BUSH: Objection. 6 MR. BUSH: Objection. 7 A. Yes. 8 Q. Other than that, did you have anything to do with the insertion process? 9 A. Yes. 9 Q. Dat's take a look at Exhibit No. 17. 14 Have you ever seen this before? 15 A. Not that I recall. 16 Q. Again, it's a subject controlled drug 17 IRR implementation conference call 9/24/2010, and would logistics pharmacy services mane of the source of the seed of the IRR process. 18 Py MR. BAKER: 19 Q. Let's take a look at Exhibit No. 17. 19 MR. BUSH: Take your time and look at it. 20 Again, it's a subject controlled drug 21 A. (Witness reviews document.) 22 Correct: 23 A. Uh-huh.	6	call"? Do you see that? It's dated	6	Q. And logistics would include somebody
9 Q. Now, this is about a month after you participated in inserting the SOM into the SOP in for CVS, correct? 12 A. Yes. 12 A. Yes. 13 Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS; is that correct? 16 A. Yes. 16 A. Yes. 17 Q. Exactly how did you perform this task is of insertion of the SOM into the SOP when you is performed that insertion task? What did you is that correct? 18	7	9/24/2010.	7	
participated in inserting the SOM into the SOP for CVS, correct? A. Yes. Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS; is that correct? A. Yes. MR. BUSH: Objection. A. I can't say if that would have been me. BY MR. BAKER: A. I don't recall specifically, but I can speculate that I probably copied and pasted the document from the resource that I got it page 111 from. Q. That's insertion? A. I don't recall specifically operated and pasted the document from the resource that I got it page 111 from. Q. That's insertion? A. Yesh. Q. That's insertion? A. Yesh. Q. That's insertion? A. Yesh. Q. Other than that, did you have anything to do with the insertion process? MR. BUSH: Objection. A. I can't say if that would have been me. BY MR. BAKER: Q. Does it say that? MR. BUSH: Objection. BY MR. BAKER: Q. Does it say that? A. It says that. BY MR. BAKER: Q. At the time this document was generated, 9/24/2010, your title within logistics was what again? A. Logistics whill be briefed on the IRR proces me. A. I can't say if that would have been me. BY MR. BAKER: Q. Does it say that? A. It says that. BY MR. BAKER: Q. At the time this document was generated, 9/24/2010, your title within logistics was what again? A. Logistics what again? A. Logistics what again? A. Not that I can recall. Q. Not that I can recall. A. No. A. No. Were you one of those DC people was confirmed to IRR monthly and the process of the me. Were you one of those DC people was confirmed to IRR monthly and the would have been me. It was a subject controlled drug was price and the would have been me. BY MR. BUSH: Objection. A. I can't say if that would be you; is that correct? A. I can't say if that would be you; is that correct? A. I can't say if that would be you; is that correct? A. I can't say if that would be you; and me. BY MR. BAKER: Q. At the time this docume	8	A. Yes, I do.	8	process, according to this conference call,
11 for CVS, correct? 12 A. Yes. 13 Q. When I say "inserted," you inserted 14 the written SOM into the written SOP for CVS; 15 is that correct? 16 A. Yes. 16 insertion of the SOM into the SOP when you performed that insertion task? What did you do what exactly did you do to physically or electronically insert that SOM into the SOP? 18 22 A. I don't recall specifically, but I can 23 speculate that I probably copied and pasted 24 the document from the resource that I got it 24 MR. BUSH: Objection. 25 MR. BUSH: Objection. 26 MR. BUSH: Objection. 27 MR. BUSH: Objection. 28 MR. BUSH: Objection. 29 MR. BUSH: Objection. 29 MR. BUSH: Objection. 20 A. Yes. 20 Other than that, did you have anything of to do with the insertion process? 20 MR. BUSH: Objection. 21 MR. BUSH: Objection. 22 MR. BUSH: Objection. 23 MR. BUSH: Objection. 24 MR. BUSH: Objection. 25 MR. BUSH: Objection. 26 MR. BUSH: Objection. 27 MR. BUSH: Objection. 28 MR. BUSH: Objection. 29 MR. BUSH: Objection. 29 MR. BUSH: Objection. 20 A. Yes. 20 Other than that, did you have anything of to do with the insertion process? 20 MR. BUSH: Objection. 21 MR. BUSH: Objection. 22 MR. BUSH: Objection. 23 MR. BUSH: Objection. 24 MR. BUSH: Objection. 25 MR. BUSH: Objection. 26 MR. BUSH: Objection. 27 MR. BUSH: Objection. 28 MR. BUSH: Objection. 29 MR. BUSH: Objection. 29 MR. BUSH: Objection. 20 MR. BUSH: Objection. 20 MR. BUSH: Objection. 21 MR. BUSH: Objection. 21 MR. BUSH: Objection. 22 MR. BUSH: Objection. 23 MR. BUSH: Objection. 24 MR. BUSH: Objection. 25 MR. BUSH: Objection. 26 MR. BUSH: Objection. 27 MR. BUSH: Objection. 27 MR. BUSH: Objection. 28 MR. BUSH: Objection. 29 MR. BUSH: Objection. 20 MR. BU	9	Q. Now, this is about a month after you	9	down at the bottom, where it says, "Friday,
12 A. Yes. 13 Q. When I say "inserted," you inserted the written SOM into the written SOP for CVS; 15 is that correct? 16 A. Yes. 17 Q. Exactly how did you perform this task of insertion of the SOM into the SOP when you performed that insertion task? What did you do what exactly did you do to physically or electronically insert that SOM into the SOP? 18 A. I don't recall specifically, but I can speculate that I probably copied and pasted the document from the resource that I got it 19 Page 111 from. 20 That's insertion? 3 A. Yeah. 4 Q. Copying and pasting a document into another document makes it become part of an inserted policy within the SOP? 4 A. Yes. 9 Q. Other than that, did you have anything to do with the insertion process? 10 MR. BUSH: Objection. 11 A. I don't know what you mean. 12 BY MR. BAKER: 13 Q. Let's take a look at Exhibit No. 17. 14 Have you ever seen this before? 15 A. Not that I recall. 16 Q. Again, it's a subject controlled drug IRR implementation conference call 9/24/2010, Bates Number 24559, correct? 19 MR. BUSH: Take your time and look at it. 20 Correct. 21 That would be you; is that correct? A. I can't MR. BUSH: Objection. 22 BY MR. BAKER: Q. Let me ask you to read this with me Does this document say, "Friday, 9/24, logistics will be briefed on the IRR proces MR. BUSH: Objection. 24 WR. BAKER: Q. Does it say that? WR. BUSH: Objection. 25 A. Yesh. A. It says that. BY MR. BAKER: Q. At the time this document was generated, 9/24/2010, your title within logistics was what again? A. Logistics pharmacy services mana quentification? A. Not that I can recall. Q. Not that you ever recall being involved with? A. No. Q. It says "All DCs have confirmed to IRRs available." Were you one of those DC people of confirmed the IRRs available? A. No. Q. It goes on to state "Monday, 9/27, through 10/1" again, we're referencing in this document? A. Uh-huh.	10	participated in inserting the SOM into the SOP	10	9/24, logistics will be briefed on the IRR
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A. Yes. Q. Other than that, did you have anything to do with the insertion process? MR. BUSH: Objection. A. I don't know what you mean. BY MR. BAKER: Q. Let's take a look at Exhibit No. 17. Have you ever seen this before? A. Not that I recall. Q. Again, it's a subject controlled drug IRR implementation? A. No. REPRING AND		*		6
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to do with the insertion process? MR. BUSH: Objection. A. I don't know what you mean. BY MR. BAKER: Q. Let's take a look at Exhibit No. 17. Have you ever seen this before? A. Not that I recall. Q. It says "All DCs have confirmed to IRR implementation of those DC people of Confirmed the IRRs available." Reference call 9/24/2010, Bates Number 24559, correct? MR. BUSH: Take your time and A. (Witness reviews document.) Correct. 9 controlled drug IRR implementation? A. Not that I can recall. Q. Not that you ever recall being involved with? A. No. 12 IRR says "All DCs have confirmed to IRRs available." Were you one of those DC people of Confirmed the IRRs available? A. No. Q. It goes on to state "Monday, 9/27, through 10/1" again, we're referencing in this document? A. Uh-huh.				
MR. BUSH: Objection. A. I don't know what you mean. BY MR. BAKER: Q. Let's take a look at Exhibit No. 17. Have you ever seen this before? A. Not that I can recall. Q. Not that you ever recall being involved with? A. No. Let's take a look at Exhibit No. 17. A. No. Let's take a look at Exhibit No. 17. A. No. Let's take a look at Exhibit No. 17. Let's take a loo				• •
A. I don't know what you mean. BY MR. BAKER: Q. Let's take a look at Exhibit No. 17. Have you ever seen this before? A. Not that I recall. Q. Again, it's a subject controlled drug IRR implementation conference call 9/24/2010, Bates Number 24559, correct? MR. BUSH: Take your time and O. Not that you ever recall being involved with? A. No. Q. It says "All DCs have confirmed to IRRs available." Were you one of those DC people of confirmed the IRRs available? A. No. Q. It goes on to state "Monday, 9/27, through 10/1" again, we're referencing in this document? A. (Witness reviews document.) Correct. A. Uh-huh.				
12 BY MR. BAKER: 13 Q. Let's take a look at Exhibit No. 17. 14 Have you ever seen this before? 15 A. Not that I recall. 16 Q. Again, it's a subject controlled drug 17 IRR implementation conference call 9/24/2010, 18 Bates Number 24559, correct? 19 MR. BUSH: Take your time and 20 look at it. 21 A. (Witness reviews document.) 22 Correct. 21 involved with? 23 involved with? A. No. 4 Q. It says "All DCs have confirmed to IRRs available." 24 Correct? 25 A. No. 26 Correct. 27 It goes on to state "Monday, 9/27, through 10/1" again, we're referencing in this document? 28 A. Uh-huh.				
Q. Let's take a look at Exhibit No. 17. Have you ever seen this before? A. Not that I recall. Q. Again, it's a subject controlled drug IRR implementation conference call 9/24/2010, Bates Number 24559, correct? MR. BUSH: Take your time and look at it. A. No. A. No. Were you one of those DC people of confirmed the IRRs available? A. No. Q. It goes on to state "Monday, 9/27, through 10/1" again, we're referencing in this document? A. (Witness reviews document.) Correct.		•		•
Have you ever seen this before? A. Not that I recall. Q. Again, it's a subject controlled drug IRR implementation conference call 9/24/2010, Bates Number 24559, correct? MR. BUSH: Take your time and look at it. A. (Witness reviews document.) Correct. Q. It says "All DCs have confirmed to IRRs available." Were you one of those DC people to confirmed the IRRs available? A. No. Q. It goes on to state "Monday, 9/27, through 10/1" again, we're referencing in this document? A. (Witness reviews document.) A. Uh-huh.				
A. Not that I recall. Q. Again, it's a subject controlled drug IRR implementation conference call 9/24/2010, Bates Number 24559, correct? MR. BUSH: Take your time and look at it. A. (Witness reviews document.) Correct. IRRs available." Were you one of those DC people of confirmed the IRRs available? A. No. Q. It goes on to state "Monday, 9/27, through 10/1" again, we're referencing in this document? A. Uh-huh.		_		
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Bates Number 24559, correct? MR. BUSH: Take your time and look at it. A. (Witness reviews document.) Correct. Bates Number 24559, correct? A. No. Q. It goes on to state "Monday, 9/27, through 10/1" again, we're referencing in this document? A. Uh-huh.				
19 MR. BUSH: Take your time and 20 look at it. 20 through 10/1" again, we're referencing 21 A. (Witness reviews document.) 22 Correct. 21 A. Uh-huh.		-		
look at it. A. (Witness reviews document.) Correct. 20 through 10/1" again, we're referencing in this document? A. Uh-huh.				
21 A. (Witness reviews document.) 22 Correct. 21 in this document? 22 A. Uh-huh.				
22 Correct. 22 A. Uh-huh.				through 10/1" again, we're referencing 2010
23 BY MR. BAKER: 23 Q. Correct?	22		22	
	23	BY MR. BAKER:	23	
Q. Now, at the time, in addition to being 24 A. Correct.	24	Q. Now, at the time, in addition to being	24	A. Correct.

	<u> </u>		
	Page 114		Page 116
1	Q "that all DCs will begin reviewing	1	Q. Is it true that at the time this
2	the IRRs and reporting any questions to the LP	2	e-mail was written, November 2012, that one
3	manager or John Mortelliti. During this time,	3	person was reviewing all of the internal
4	John Mortelliti will be updating and preparing	4	review reports for CVS instead of having it
5	the field LP team."	5	done in all 11 distribution centers?
6	Do you know what that means when it	6	MR. BUSH: Objection.
7	says, "All DCs will begin reviewing the IRRs"?	7	BY MR. BAKER:
8	A. I do not know what it means.	8	Q. Is it true?
9	Q. Let's go to the next document.	9	MR. BUSH: Objection.
10		10	A. I can't say if I know that to be true.
11	(Exhibit No. 67 marked for	11	BY MR. BAKER:
12	identification.)	12	Q. Is that what the document indicates,
13		13	that just one person was doing the IRR reviews
14	BY MR. BAKER:	14	at the time this e-mail was written, November
15	Q. I'm going to show you what's marked as	15	11, 2011?
16	Exhibit No. 67.	16	MR. BUSH: Objection.
17	This is an e-mail from Aaron Burtner	17	A. I can't say if that's what it
18	to Christopher Tulley and Pamela Hinkle dated	18	indicates.
19	11/11/2012 with Bates Number 55834.	19	BY MR. BAKER:
20	Do you see that?	20	Q. Do you know what it meant when the
21	A. I do see that.	21	answer was given above that question as to
22	Q. Okay. It says this says, "Chris,	22	review consistency with just having one person
23	Pam will be able to shed more light, but two	23	completing the reviews rather than 11 people?
24	big reasons, review consistency with having	24	Do you know what that meant?
1	Page 115	1	Page 117
1 2	just one person completing the reviews rather	1	MR. BUSH: Objection.
3	than 11 people. With Pam in Knoxville, they	2 3	A. I can't say I know what it means. BY MR. BAKER:
	wanted the reviews completed there so she	4	
5	could manage the process."	5	Q. Do you know why CVS chose to only have
	Do you have any idea what that's		one person review all of the IRRs for CVS as
6	talking about?	6	opposed to 11 people in 11 different
7	A. I do	7	distribution centers?
8	MR. BUSH: Objection.	8	MR. BUSH: Objection.
9	A. I do not.	9	A. I can't answer that.
10	BY MR. BAKER:	10	
			BY MR. BAKER:
11	Q. You do not. Below that, it discusses	11	Q. As a DEA compliance coordinator, did
12	Q. You do not. Below that, it discusses what's going on as to why that answer's being	12	Q. As a DEA compliance coordinator, did you ever take an interest in learning about
12 13	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an	12 13	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS?
12 13 14	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela	12 13 14	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my
12 13 14 15	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it	12 13 14 15	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities.
12 13 14 15 16	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen	12 13 14 15 16	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER:
12 13 14 15 16 17	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen on Friday. They advised when this program was	12 13 14 15 16 17	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER: Q. As the DEA compliance coordinator, it
12 13 14 15 16 17 18	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen on Friday. They advised when this program was initially designed, it was meant for the	12 13 14 15 16	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER: Q. As the DEA compliance coordinator, it didn't fall under your responsibilities?
12 13 14 15 16 17 18	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen on Friday. They advised when this program was initially designed, it was meant for the review that Aaron does to be done in all 11	12 13 14 15 16 17	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER: Q. As the DEA compliance coordinator, it didn't fall under your responsibilities? A. Correct.
12 13 14 15 16 17 18	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen on Friday. They advised when this program was initially designed, it was meant for the	12 13 14 15 16 17	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER: Q. As the DEA compliance coordinator, it didn't fall under your responsibilities? A. Correct. Q. Now, you saw the e-mail earlier where
12 13 14 15 16 17 18	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen on Friday. They advised when this program was initially designed, it was meant for the review that Aaron does to be done in all 11	12 13 14 15 16 17 18	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER: Q. As the DEA compliance coordinator, it didn't fall under your responsibilities? A. Correct.
12 13 14 15 16 17 18 19 20	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen on Friday. They advised when this program was initially designed, it was meant for the review that Aaron does to be done in all 11 DCs. Do you know why and when it was	12 13 14 15 16 17 18 19	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER: Q. As the DEA compliance coordinator, it didn't fall under your responsibilities? A. Correct. Q. Now, you saw the e-mail earlier where
12 13 14 15 16 17 18 19 20 21	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen on Friday. They advised when this program was initially designed, it was meant for the review that Aaron does to be done in all 11 DCs. Do you know why and when it was consolidated to just one DC doing the review?	12 13 14 15 16 17 18 19 20 21	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER: Q. As the DEA compliance coordinator, it didn't fall under your responsibilities? A. Correct. Q. Now, you saw the e-mail earlier where it was discussed within your organization that
12 13 14 15 16 17 18 19 20 21 22	Q. You do not. Below that, it discusses what's going on as to why that answer's being given November 11, 2012 at 7:15 a.m., an e-mail from Christopher Tulley to Pamela Hinkle with a copy to Aaron Burtner. And it says "Hi, guys. I met with John A. and Ellen on Friday. They advised when this program was initially designed, it was meant for the review that Aaron does to be done in all 11 DCs. Do you know why and when it was consolidated to just one DC doing the review? Thanks, Chris."	12 13 14 15 16 17 18 19 20 21	Q. As a DEA compliance coordinator, did you ever take an interest in learning about IRRs and how they were implemented by CVS? A. IRR didn't fall under my responsibilities. BY MR. BAKER: Q. As the DEA compliance coordinator, it didn't fall under your responsibilities? A. Correct. Q. Now, you saw the e-mail earlier where it was discussed within your organization that these IRRs are mandated by the DEA. Do you

	5 1		-
	Page 118		Page 120
1	A. Yes.	1	at the time this was written, 10/12 of 2010?
2	MR. BUSH: Well	2	MR. BUSH: Objection.
3	BY MR. BAKER:	3	A. I can't say if I know that to be
4	Q. Do you remember seeing that e-mail?	4	true.
5	A. I remember seeing that e-mail.	5	BY MR. BAKER:
6	Q. Okay. And something that's mandated	6	Q. As DEA compliance coordinator, were
7	by the DEA would fall under DEA compliance,	7	you informed that John Mortelliti, on
8	would it not?	8	10/12/2010, was handling the controlled drug
9	MR. BUSH: Objection.	9	IRR for CVS?
10	BY MR. BAKER:	10	MR. BUSH: Objection.
11	Q. Yes or no?	11	A. Can you say that again?
12	A. Yes.	12	BY MR. BAKER:
13	Q. And so if something's mandated by the	13	Q. As DEA compliance what was it, DEA
14	DEA, why would you as the DEA compliance	14	compliance what?
15	person not be familiar with anything having to	15	A. Coordinator.
16	do with the IRR?	16	Q. As DEA compliance coordinator, were
17	A. Because I had different areas of	17	you ever informed that one person, John
18	responsibility.	18	Mortelliti, in October of 2010, was handling
19	Q. Are you familiar with the term "active	19	the controlled drug IRRs for CVS?
20	ingredient"?	20	MR. BUSH: Objection.
21	A. Yes.	21	A. Not that I recall.
22	Q. Let me show you an e-mail that's	22	BY MR. BAKER:
23	marked Exhibit 82.	23	Q. Is that what was going on at the time?
24		24	A. I can't answer that to be true or not.
	P 110		D 101
1	Page 119	1	Page 121
2	(Exhibit No. 82 marked for identification.)	2	Q. Okay. Did you read the next sentence. It says, "Dean, there's a rewrite
3	identification.)	3	we are trying to get approved for the
4	BY MR. BAKER:	4	controlled drug IRR. The current report shows
5		5	controlled drugs by item instead of active
6	Q. And it's Bates Number 75542. The e-mail is dated 10/12/2010 from John	6	ingredients, such as PSE."
7	Mortelliti to Todd Janson within CVS.	7	
8		8	Were you familiar with that, that the
9	You know John Mortelliti, correct?	9	controlled drug IRR at the time did not show
10	A. Yes, I know who he is.		drugs by active ingredient?
1 + 0		110	A I'm not familian with the IDD named
11	Q. And you know Todd Janson?	10	A. I'm not familiar with the IRR report.
11	A. I know who Todd Janson is?	11	Q. Do you know the significance of not
12	A. I know who Todd Janson is?Q. Who was Todd Janson at the time this	11 12	Q. Do you know the significance of not having a drug described by active ingredient
12 13	A. I know who Todd Janson is?Q. Who was Todd Janson at the time this e-mail was written?	11 12 13	Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring?
12 13 14	A. I know who Todd Janson is?Q. Who was Todd Janson at the time this e-mail was written?A. I believe at the time he was loss	11 12 13 14	Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it.
12 13 14 15	A. I know who Todd Janson is?Q. Who was Todd Janson at the time this e-mail was written?A. I believe at the time he was loss prevention in Vero Beach.	11 12 13 14 15	 Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it
12 13 14 15 16	 A. I know who Todd Janson is? Q. Who was Todd Janson at the time this e-mail was written? A. I believe at the time he was loss prevention in Vero Beach. Q. It goes on to state "Todd" this is 	11 12 13 14 15 16	 Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it important for you to understand whether the
12 13 14 15 16 17	 A. I know who Todd Janson is? Q. Who was Todd Janson at the time this e-mail was written? A. I believe at the time he was loss prevention in Vero Beach. Q. It goes on to state "Todd" this is from John Mortelliti, 10/12/2010 "Todd, I 	11 12 13 14 15 16	 Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it important for you to understand whether the DEA might require that in order to conduct
12 13 14 15 16 17	 A. I know who Todd Janson is? Q. Who was Todd Janson at the time this e-mail was written? A. I believe at the time he was loss prevention in Vero Beach. Q. It goes on to state "Todd" this is from John Mortelliti, 10/12/2010 "Todd, I sent you an e-mail about two weeks ago 	11 12 13 14 15 16 17	 Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it important for you to understand whether the DEA might require that in order to conduct suspicious order monitoring a drug needs to be
12 13 14 15 16 17 18	A. I know who Todd Janson is? Q. Who was Todd Janson at the time this e-mail was written? A. I believe at the time he was loss prevention in Vero Beach. Q. It goes on to state "Todd" this is from John Mortelliti, 10/12/2010 "Todd, I sent you an e-mail about two weeks ago explaining why I am handling the controlled	11 12 13 14 15 16 17 18	Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it important for you to understand whether the DEA might require that in order to conduct suspicious order monitoring a drug needs to be described by active ingredient?
12 13 14 15 16 17 18 19	A. I know who Todd Janson is? Q. Who was Todd Janson at the time this e-mail was written? A. I believe at the time he was loss prevention in Vero Beach. Q. It goes on to state "Todd" this is from John Mortelliti, 10/12/2010 "Todd, I sent you an e-mail about two weeks ago explaining why I am handling the controlled drug IRR for the time being."	11 12 13 14 15 16 17 18 19 20	Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it important for you to understand whether the DEA might require that in order to conduct suspicious order monitoring a drug needs to be described by active ingredient? MR. BUSH: Objection.
12 13 14 15 16 17 18 19 20 21	A. I know who Todd Janson is? Q. Who was Todd Janson at the time this e-mail was written? A. I believe at the time he was loss prevention in Vero Beach. Q. It goes on to state "Todd" this is from John Mortelliti, 10/12/2010 "Todd, I sent you an e-mail about two weeks ago explaining why I am handling the controlled drug IRR for the time being." Did I read that correctly?	11 12 13 14 15 16 17 18 19 20 21	 Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it important for you to understand whether the DEA might require that in order to conduct suspicious order monitoring a drug needs to be described by active ingredient? MR. BUSH: Objection. A. I can't say. I was not responsible
12 13 14 15 16 17 18 19 20 21	A. I know who Todd Janson is? Q. Who was Todd Janson at the time this e-mail was written? A. I believe at the time he was loss prevention in Vero Beach. Q. It goes on to state "Todd" this is from John Mortelliti, 10/12/2010 "Todd, I sent you an e-mail about two weeks ago explaining why I am handling the controlled drug IRR for the time being." Did I read that correctly? A. Yes.	11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it important for you to understand whether the DEA might require that in order to conduct suspicious order monitoring a drug needs to be described by active ingredient? MR. BUSH: Objection. A. I can't say. I was not responsible for suspicious order monitoring.
12 13 14 15 16 17 18 19 20 21	A. I know who Todd Janson is? Q. Who was Todd Janson at the time this e-mail was written? A. I believe at the time he was loss prevention in Vero Beach. Q. It goes on to state "Todd" this is from John Mortelliti, 10/12/2010 "Todd, I sent you an e-mail about two weeks ago explaining why I am handling the controlled drug IRR for the time being." Did I read that correctly?	11 12 13 14 15 16 17 18 19 20 21	 Q. Do you know the significance of not having a drug described by active ingredient in the context of suspicious order monitoring? A. I can't say I'm familiar with it. Q. As DEA compliance coordinator, is it important for you to understand whether the DEA might require that in order to conduct suspicious order monitoring a drug needs to be described by active ingredient? MR. BUSH: Objection. A. I can't say. I was not responsible

	Page 122		Page 12
1	required to describe a drug by active	1	A. Yes.
2	ingredient in order to be in compliance with	2	Q. It says, "We need controlled drugs to
3	DEA standards?	3	be monitored by active ingredient. Currently
4	A. I do not know.	4	the controlled drugs are monitored by item.
5	MR. BAKER: Let's take a short	5	The IRR loses all order history when the info
6	break. This will count as my time.	6	on the team changes"
7	MR. BUSH: This will what?	7	MR. BUSH: The item, item on
8		8	•
9	MR. BAKER: Count as my time.	9	the
0	MR. BUSH: Okay. So we're still	10	BY MR. BAKER:
1	on the record?		Q. "The item changes, causing CVS to be
	MR. BAKER: Yes.	11	noncompliant with DEA expectations." Is th
2	MR. BUSH: All right.		what it states?
3	MR. BAKER: Off the record	13	A. That's what it states.
4	insofar as	14	Q. I made a grammatical error. Let me
5	MR. BUSH: We can talk?	15	just repeat the sentence.
6	MR. BAKER: Yes.	16	"The IRR loses all history when the
7	(Pause in proceedings.)	17	info on the item changes causing CVS to be
8	BY MR. BAKER:	18	noncompliant with DEA expectations."
9	Q. I'm going to show you Exhibit No. 55.	19	Is that what the sentence says in that
0	It's Bates Number 34175.	20	document?
1		21	A. Yes.
2	(Exhibit No. 55 marked for	22	Q. And this is John Mortelliti drafting
3	identification.)	23	this sentence; is that correct?
4		24	MR. BUSH: Objection.
	Page 123		Page 12
1	BY MR. BAKER:	1	A. I can't say for sure. That's what it
2	Q. It's from CVS pharmacy. It's called a	2	looks like.
3	Business Idea Description and it's from	3	BY MR. BAKER:
4	Mr. John Mortelliti.	4	Q. This this is a CVS document called
5	Do you see that?	5	a Business Idea Description?
6	A. Yes.	6	A. Uh-huh.
7	Q. Could you highlight in the summary	7	Q. Correct?
8	description and objectives, please, in that	8	A. Uh-huh.
9	box, the first box down?	9	Q. Yes?
0	So you see in the summary description	10	A. Yes.
1	and objectives that John Mortelliti for CVS	11	Q. And so as DEA compliance coordinato
	and objectives that John Mortelliti 101 C V S	12	you know that CVS needs to needs controll
2	nharmacy he's saving that "DEA avnacte CVC		
	pharmacy he's saying that "DEA expects CVS		•
3	to prevent suspicious orders from being filled	13	drugs to be monitored by active ingredient in
3 4	to prevent suspicious orders from being filled out of our DCs."	13 14	drugs to be monitored by active ingredient in order to be compliant with DEA expectations.
3 4 5	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state	13 14 15	drugs to be monitored by active ingredient in order to be compliant with DEA expectations, correct?
3 4 5 6	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state that correctly?	13 14 15 16	drugs to be monitored by active ingredient in order to be compliant with DEA expectations, correct? MR. BUSH: Objection.
3 4 5 6 7	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state that correctly? A. Uh-huh.	13 14 15 16 17	drugs to be monitored by active ingredient in order to be compliant with DEA expectations, correct? MR. BUSH: Objection. A. I can't say I know.
3 4 5 6 7 8	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state that correctly? A. Uh-huh. Q. Yes?	13 14 15 16 17 18	drugs to be monitored by active ingredient in order to be compliant with DEA expectations, correct? MR. BUSH: Objection. A. I can't say I know. BY MR. BAKER:
3 4 5 6 7 8	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state that correctly? A. Uh-huh. Q. Yes? A. Yes.	13 14 15 16 17 18	drugs to be monitored by active ingredient in order to be compliant with DEA expectations correct? MR. BUSH: Objection. A. I can't say I know. BY MR. BAKER: Q. You cannot disagree with that
3 4 5 6 7 8	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state that correctly? A. Uh-huh. Q. Yes? A. Yes. Q. It says, "The current IRR does not	13 14 15 16 17 18	drugs to be monitored by active ingredient in order to be compliant with DEA expectations, correct? MR. BUSH: Objection. A. I can't say I know. BY MR. BAKER: Q. You cannot disagree with that statement, can you?
3 4 5 6 7 8 9	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state that correctly? A. Uh-huh. Q. Yes? A. Yes. Q. It says, "The current IRR does not provide the proper information to meet the	13 14 15 16 17 18	drugs to be monitored by active ingredient in order to be compliant with DEA expectations, correct? MR. BUSH: Objection. A. I can't say I know. BY MR. BAKER: Q. You cannot disagree with that
3 4 5 6 7 8 9	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state that correctly? A. Uh-huh. Q. Yes? A. Yes. Q. It says, "The current IRR does not	13 14 15 16 17 18 19	drugs to be monitored by active ingredient in order to be compliant with DEA expectations, correct? MR. BUSH: Objection. A. I can't say I know. BY MR. BAKER: Q. You cannot disagree with that statement, can you?
12 13 14 15 16 17 18 19 20 21 22 22 23	to prevent suspicious orders from being filled out of our DCs." Is that correct that did I state that correctly? A. Uh-huh. Q. Yes? A. Yes. Q. It says, "The current IRR does not provide the proper information to meet the	13 14 15 16 17 18 19 20 21	drugs to be monitored by active ingredient in order to be compliant with DEA expectations, correct? MR. BUSH: Objection. A. I can't say I know. BY MR. BAKER: Q. You cannot disagree with that statement, can you? MR. BUSH: Objection.

statement, can you, that the IRR loses all history — all order history when the info on the item changes causing CVS to be 4 noncompliant with DEA expectations? You don't disagree with that statement, do you? 6 MR, BUSH: Objection. 7 A. I don't have enough information to have an opinion on it. 9 BY MR. BAKER: 10 Q. So you can neither agree nor disagree, 11 with that statement; is that correct? 12 A. That's correct. 13 Q. Did you ever talk to John Mortelliti 14 as DEA compliance coordinator in your job 15 as DEA compliance coordinator about the 16 problems associated with controlled drugs 16 being monitored — not being monitored by 18 active ingredient? 19 A. Not that I recall. 20 Q. Did you ever get involved as a DEA 21 compliance coordinator with CVS with anything 22 dealing with active ingredient? 23 A. Not that I recall. 24 Q. As DEA compliance coordinator, did you ever get involved with any activities that 2 caused CVS to be DEA complainn? 8 MR, BUSH: Dispection. 8 PY MR, BAKER: 10 Q. Yes, yes. 11 Page 127 12 ever get involved in any activities that 2 caused CVS to be DEA compliann? 8 MR, BUSH: In any respect? 9 MR, BAKER: In any respect. 10 A. I submitted ARCOS reporting. 11 what you inserted the SOM — 12 A. Yes. 13 Q. Or how much is distributed by the 14 A. Not that I recall. 2 Q. Yes, yes. 2 A. I would be notified, yes. 2 Q. Yes, yes. 3 Q. Yes, yes. 4 Q. Yes, yes. 4 — Would I inform — Page 127 Page 129		Page 126		Page 128
2 history - all order history when the info on 3 the item changes causing CVs to be noncompliant with DEA expectations? You don't disagree with that statement, do you? A. I don't have enough information to have an opinion on it. BY MR. BAKE: 2	1	_	1	
a the item changes causing CVS to be noncompliant with DEA expectations? You don't disagree with that statement, do you? MR. BUSH: Objection. A. I don't have enough information to have an opinion on it. BYMR. BAKER: Q. So you can neither agree nor disagree, with that statement, is that correct? A. That's correct. Q. Did you ever talk to John Mortelliti as DEA compliance coordinator about the problems associated with controlled drugs being monitored—not being monitored by active ingredient? A. Not that I recall. Q. Did you ever get involved as a DEA compliance coordinator with CVS with anything dealing with active ingredient? A. Not that I recall. Q. As DEA compliance coordinator, did you Page 127 ever get involved with any activities that BYMR. BAKER: A. In any respect: MR. BUSH: Objection. BYMR. BAKER: A. In any respect. A. In any respect. A. In any respects. Q. Did you ever respects. Yes. Q. Other than that? A. Not that I can recall. Q. As Och Eac compliance coordinator to the case CVS to be DEA complian; A. Yes. A. Would I inform— Page 127 Page 128 A. Would I inform— Page 129 P				
4 noncompliant with DEA expectations? You don't disagree with that statement, do you?		•		· · · · · · · · · · · · · · · · · · ·
disagree with that statement, do you? A. I don't have enough information to have an opinion on it. BYMR. BAKER: O. So you can neither agree nor disagree, with that statement; is that correct? A. That's correct. Did you ever talk to John Mortelliti as DEA compliance coordinator about the prolimane coordinator about the prolimane sasociated with controlled drugs active ingredient? A. Not that I recall. O. Did you ever get involved as a DEA compliance coordinator with CVS with anything dealing with active ingredient? A. Not that I recall. O. As DEA compliance coordinator, did you ever get involved with any activities that caused CVS to be DEA compliant? MR. BUSH: Objection. BYMR. BAKER: MR. BUSH: In any respect? A. I submitted ARCOS reporting. Q. Or fhow much is distributed by the distribution center to the retail A. Not that I recall. Q. Of how much is distributed by the distribution center to the retail A. Not that I recall. A. Not that I recall. Q. Of how much is distributed by the distribution center to the retail A. Not that I recall. Q. Of how much is distributed by the distribution center to the retail A. Not that I recall. A. Not that I recall. A. Not that I recall. Q. Of how much is distributed by the distribution center to the retail A. Not that I recall. A. Not that I re				-
6 MR, BUSH: Objection. 7 A. I don't have enough information to 8 have an opinion on it. 9 BY MR. BAKER: 10 Q. So you can neither agree nor disagree, with that statement; is that correct? 11 as DEA compliance coordinator — in your job 12 as DEA compliance coordinator bout the 13 problems associated with controlled drugs 14 active ingredient? 15 active ingredient? 16 problems associated with controlled drugs 17 dealing with active ingredient? 18 A. Not that I recall. 19 Q. As DEA compliance coordinator, did you 19 dealing with active ingredient? 21 ever get involved with any activities that 22 caused CVS to be DEA compliann? 23 A. Not that I reall. 24 Q. As DEA compliance coordinator, did you 25 ever get involved in any activities that would 26 have caused CVS to be DEA compliann? 27 MR. BUSH: In any respect. 28 MR. BUSH: In any respect. 29 MR. BAKER: 20 Q. Yes, wes. 21 A. Yes. 21 Q. Were you a central point of contact if the DEA came for inspections? 22 A. I would be notified, yes. 23 A. Would I — 24 Q. Yes, yes. 25 Q. Yes, yes. 26 A. — the DEA came? 27 A. Would I inform — 28 Page 127 29 Page 127 20 Page 127 21 ever get involved with any activities that would have caused CVS to be DEA compliann? 29 MR. BAKER: In any respect. 20 A. In any respect. 21 A. Not that I can prespect. 22 A. See. 23 A. Not that I can prespect. 24 A. No. 25 MR. BUSH: In any respect. 26 MR. BAKER: In any respect. 27 MR. BUSH: Objection. 28 MR. BUSH: Objection. 29 Q. Other than that? 29 Q. ARCOS reporting. 20 Q. ARCOS reporting is simply what? 21 A. Not that I can recall. 22 Q. Of how much is distributed by the 23 distribution center to the retall 24 distribution center to the retall				
7 A. I don't have enough information to 8 have an opinion on it. 8 By MR, BAKER: 10 Q. So you can neither agree nor disagree, 11 with that statement; is that correct? 12 A. Thar's correct. 13 Q. Did you ever talk to John Mortelliti 14 as DEA compliance coordinator in your job 15 as DEA compliance coordinator about the 16 problems associated with controlled drugs 17 being monitored not being monitored by 18 active ingredient? 19 A. Not that I recall. 20 Q. Did you ever get involved as a DEA 21 compliance coordinator with CVS with anything 22 dealing with active ingredient? 23 A. Not that I recall. 24 Q. As DEA compliance coordinator, did you 25 ever get involved with any activities that 26 caused CVS to be DEA compliant? 27 a. I may respect. 28 MR, BUSH: In any respect. 29 MR, BAKER: 20 Q. Yes, ma'am. 21 A. Not that I recall. 21 Q. In some respects, yes. 22 Q. In some respects, yes. 23 A. Not that I recall. 24 Q. In some respects. Tell us exactly 25 what you did as DEA compliance coordinator to cause CVS to be DEA compliance to coordinator to cause CVS to be DEA compliance to coordinator to cause CVS to be DEA compliance to coordinator what would have caused CVS to be DEA compliant; if anything. 26 A. In any respect? 27 MR, BUSH: In any respect. 28 MR, BUSH: In any respect. 39 MR, BUSH: In any respect. 40 Q. In some respects, yes. 41 Q. In some respects, yes. 42 Q. In some respects. Tell us exactly 43 A. Not that I can recall. 44 Q. Other than that? 45 Q. Other than that? 46 Q. Other than that? 47 A. I submitted ARCOS reporting. 48 A. Not that I recall. 49 Q. Other than that? 40 Q. Other than that? 41 A. Not that I can recall. 42 Q. Of how much is distributed by the 42 distribution center to the retail		· ·		
8 have an opinion on it. 9 BY MR. BAKER: 10 Q. So you can neither agree nor disagree, 11 with that statement; is that correct? 12 A. That's correct. 13 Q. Did you ever talk to John Mortelliti 14 as DEA compliance coordinator in your job 15 as DEA compliance coordinator about the problems associated with controlled drugs 15 problems associated with controlled drugs 16 problems associated with controlled drugs 17 point of contact if 18 problems associated with controlled drugs 18 active ingredient? 19 A. Not that I recall. 20 Q. Did you ever get involved as a DEA 21 compliance coordinator with CVS with anything 22 dealing with active ingredient? 23 A. Not that I recall. 24 Q. As DEA compliance coordinator, did you 24 A. Not that I recall. 25 Q. Yes, yes. 26 A. Would I inform 27 Page 129 28 A. Would I inform 28 Q. Yes, yes. 27 A. Yes. 18 A. Would I inform 29 A. Not that I recall in any respect of ever get involved in any activities that would 27 A. Yes. 18 A. Yes. 18 A. Would I inform 29 A. Not that I recall in any respect? 28 A. Not that I recall in any respect? 39 A. Not that I recall in any respect? 30 A. Would I inform 31 A. Yes. In some respects, yes. 30 A. Not that I recall in any respect? 30 A. Would I inform 31 A. Yes. In some respects, yes. 30 A. Would I inform 31 A. Yes. In some respects, yes. 30 A. Not that I recall in any respect? 31 A. Not that I recall in any respect? 32 A. Not that I recall in any respect? 33 A. Not that I recall in any respect? 34 A. Not that I recall in any respect? 35 A. Not that I recall in any respect? 36 A. Not that I recall in any respect? 37 A. Not that I recall in any respect? 38 A. Not t		· ·		-
9 BY MR. BAKER: 10 Q. So you can neither agree nor disagree, 11 with that statement; is that correct? 12 A. Thar's correct. 13 Q. Did you ever talk to John Mortelliti 14 as DEA compliance coordinator - in your job 15 as DEA compliance coordinator about the 16 problems associated with controlled drugs 17 being monitored - not being monitored by 18 active ingredient? 19 A. Not that I recall. 20 Q. Did you ever get involved as a DEA 21 compliance coordinator with CVS with anything 22 dealing with active ingredient? 23 A. Not that I recall. 24 Q. As DEA compliance coordinator, did you 25 ever get involved with any activities that 26 caused CVS to be DEA compliant? 27 a. BY MR. BAKER: 28 G. As DEA compliance coordinator, did you 29 feer get involved in any activities that would 20 have caused CVS to be DEA compliant? 21 BY MR. BAKER: In any respect. 22 A. Yes. I was a central point of contact if the DEA came for inspections? 24 A. I would be notified, yes. 25 Q. Would you inform the DEA what was being done to be compliant with DEA 26 expectations 27 A. Would I 28 Q when the DEA came? 29 Q. As DEA compliance coordinator, did you 29 A. That you inserted the SOM A. Yes. 20 Q were, I was a central point of contact if the DEA came for inspections? 20 Q. Would you inform the DEA what was being done to be compliant with DEA 21 compliance to be compliant with DEA 22 Q when the DEA came? 23 A the DEA? 24 A the DEA? 25 Q. Yes, yes. 26 A the DEA? 27 A the DEA? 28 A the DEA? 29 Q. Yes, yes. 29 A that you inserted the SOM A. Yes. 29 A. Vewer you a central point of contact if the DEA came for inspections? 20 Q. Yes, yes. 21 A. Vould I 22 Q when the DEA came? 22 A. Would I 23 Q. Yes, yes. 24 A the DEA? 25 A the DEA? 26 A the DEA? 27 A the DEA? 28 A the DEA? 29 Q. Yes, yes. 20 Did you ever represent CVS as DEA compliance coordinator, did you 29 Q. Yes, yes. 20 Did you ever represent CVS as DEA compliance coordinator to that? 29 Q. Representations 29 A. Not that I can				•
10 Q. So you can neither agree nor disagree, with that statement; is that correct? 12 Q. — into is SOP — 12 Q. — into is SOP — 12 Q. — into is SOP — 13 Q. — s/2S/10? A. Yes. 14 Q. — s/2S/10? A. Yes. 15 Q. — s/2S/10? A. Yes. 16 Q. — s/2S/10? A. Yes. 18 Q. — s/2S/10? A. Yes. 19 Q. Were you a central point of contact if for SOPs. Q. Were you a central point of contact if the DEA came for inspections? A. I would be notified, yes. Q. Would you inform the DEA what was being done to be compliant with DEA expectations — 22 Q. — when the DEA came? A. Would I — Q. — when the DEA came? A. Would I inform — Page 129		1		<u>-</u>
11 with that statement; is that correct? 12 A. That's correct. 12 A. That's correct. 12 A. That's correct. 13 Q. — sinto is SOP — 14 A. Yes. 15 Q. — se25/10? 14 A. Yes. 15 Q. — se25/10? 15 as DEA compliance coordinator about the problems associated with controlled drugs 15 problems associated with controlled drugs 16 problems associated with controlled drugs 17 being monitored — not being monitored by 18 active ingredient? 18 A. Not that I recall. 19 Q. Did you ever get involved as a DEA 19 Q. Did you ever get involved as a DEA 19 Q. As DEA compliance coordinator, did you 19 Page 127 Page 127 Page 127 Page 127 Page 129 Page				•
12 A. That's correct. 13 Q. Did you ever talk to John Mortelliti 14 as DEA compliance coordinator in your job 15 as DEA compliance coordinator about the 16 problems associated with controlled drugs 17 being monitored not being monitored by 18 active ingredient? 19 A. Not that I recall. 20 Q. Did you ever get involved as a DEA 21 compliance coordinator with CVS with anything 22 dealing with active ingredient? 23 A. Not that I recall. 24 Q. As DEA compliance coordinator, did you 25 ever get involved with any activities that 26 caused CVS to be DEA compliant? 27 MR. BUSH: Objection. 28 MR. BUSH: Objection. 29 MR. BUSH: In any respect? 30 MR. BUSH: In any respect? 40 MR. BUSH: In any respect? 41 MR. BUSH: In any respect. 42 Q. Yes, ma'am. 43 A. Yes. I was a central point of contact if the DEA came for inspections? 44 Would J out inform the DEA what was being done to be compliant with DEA expectations 20 Q when the DEA came? 21 Q. Yes, yes. 22 A. Would I 23 Q when the DEA came? 24 A. Would I inform 25 Page 129 26 Ves, yes. 27 A. No. 28 Q. Yes, yes. 29 Q. Yes, yes. 20 Yes, yes. 20 Yes, yes. 21 A the DEA? 22 Q. Yes, yes. 23 A. No. 36 Q. Yes, yes. 37 A. Would I inform 38 Q. Or Yes, yes. 39 A. No. 40 DEA compliance coordinator, did you ever get involved in any activities that would have caused CVS to be DEA compliant? 30 A. Yes. In some respects. 31 BY MR. BAKER: 32 Q. Yes, ma'am. 33 A. Yes. I was a central point of contact if the DEA came for inspections? 4 A. I would be notified, yes. 4 A. Would I 24 A. Would I 25 A. Would I 26 Q when the DEA came? 27 A. Would I inform 28 A the DEA? 29 Q. Yes, yes. 4 A the DEA? 4 A the DEA? 4 A the DEA? 5 Q. Yes, yes. 6 A the DEA? 6 Q. Yes, yes. 7 A. Not BEA? 7 D. Ves, yes. 8 A the DEA? 9 MR. BUSH: Objection. 9 M				
13 Q. Did you ever talk to John Mortelliti 14 as DEA compliance coordinator about the 15 problems associated with controlled drugs 17 being monitored not being monitored by 18 active ingredient? 19 A. Not that I recall. 20 Q. Did you ever get involved as a DEA 21 compliance coordinator with CVS with anything 22 dealing with active ingredient? 23 A. Not that I recall. 24 Q. As DEA compliance coordinator, did you 25 ever get involved with any activities that 2 caused CVS to be DEA compliant? 26 Q. As DEA compliance coordinator, did you 27 ever get involved with any activities that 2 caused CVS to be DEA compliant? 3 MR. BUSH: Objection. 4 BY MR. BAKER: 5 Q. As DEA compliance coordinator, did you 6 ever get involved in any activities that would 7 have caused CVS to be DEA compliant? 8 MR. BUSH: In any respect. 9 MR. BAKER: 10 A. Yes. In some respects, yes. 11 BY MR. BAKER: 12 Q. Yes, ma'am. 13 A. Yes. In some respects, yes. 14 Q. In some respects. Tell us exactly 15 what you did as DEA compliance coordinator to cause CVS to be DEA compliance coordinator to cause C				-
as DEA compliance coordinator — in your job as DEA compliance coordinator about the problems associated with controlled drugs being monitored — not being monitored by active ingredient? A. Not that I recall. Q. Did you ever get involved as a DEA compliance coordinator with CVS with anything dealing with active ingredient? A. Not that I recall. Q. As DEA compliance coordinator, did you Page 127 ever get involved with any activities that caused CVS to be DEA compliant? ARBUSH: Objection. BY MR. BAKER: Q. As DEA compliance coordinator, did you Page 127 MR. BUSH: In any respect? MR. BUSH: In any respect. A. In any respect? MR. BAKER: Q. Yes, ma'am. A. Yes. I was a central point of contact if for SOPs. Q. Were you a central point of contact if for SOPs. A. I would be notified, yes. Q. Would you inform the DEA what was being done to be compliant with DEA expectations — A. Would I — Q				
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A. Not that I recall. Q. Did you ever get involved as a DEA compliance coordinator with CVS with anything dealing with active ingredient? A. Not that I recall. A. Not that I recall. Q. As DEA compliance coordinator, did you Page 127 ever get involved with any activities that caused CVS to be DEA compliant? A. No. BY MR. BAKER: MR. BUSH: Objection. MR. BUSH: In any respect? MR. BUSH: In any respect? MR. BAKER: In any respect. MR. BAKER: A. In any respect? MR. BAKER: Q. Yes, was. MR. BUSH: Objection. A. In any respect? MR. BAKER: Q. Yes, was. MR. BUSH: Objection. A. In any respect? MR. BAKER: Q. Yes, was. MR. BUSH: Objection. A. In any respect? MR. BAKER: Q. Yes, was. MR. BUSH: Objection. A. In any respect? MR. BAKER: Q. Yes, ma'am. A. Yes. In some respects, yes. Q. In some respects. Tell us exactly what you did as DEA compliance coordinator to cause CVS to be DEA compliant, if anything. A. I submitted ARCOS reporting. Q. Other than that? A. Not that I can recall. Q. ARCOS reporting is simply what? A. Narcotic drug reporting. Q. Of how much is distributed by the distribution center to the retail				
20 Q. Did you ever get involved as a DEA 21 compliance coordinator with CVS with anything 22 dealing with active ingredient? 23 A. Not that I recall. 24 Q. As DEA compliance coordinator, did you Page 127 Page 127 ever get involved with any activities that 25 caused CVS to be DEA complaint? 26 A. Would I inform Page 129 Page 129 Page 129 Q. Yes, yes. 27 A. Would I inform Page 129 Page 129 Q. Yes, yes. 28 A the DEA? 39 A. No. 40 BY MR. BAKER: 50 Q. As DEA compliance coordinator, did you ever get involved in any activities that would have caused CVS to be DEA compliant? 51 A. In any respect? 52 MR. BUSH: In any respect? 53 MR. BUSH: In any respect? 54 MR. BAKER: 55 Q. Yes, yes. 56 Q. Did you ever represent CVS as DEA compliance coordinator when there were inspections done of CVS distribution centers? MR. BUSH: In any respect? 51 A. No. 52 MR. BUSH: Objection. 53 MR. BUSH: Objection. 64 A. No. 65 BY MR. BAKER: 65 Q. Yes, yes. 67 A. No. 69 Did you ever represent CVS as DEA compliance coordinator when there were inspections done of CVS distribution centers? 68 MR. BUSH: Objection. 60 A. No. 61 BY MR. BAKER: 61 BY MR. BAKER: 61 BY MR. BAKER: 61 Q. Yes, yes. 62 A. No. 63 Q. Did you ever represent CVS as DEA compliance coordinator to r				· ·
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compliance coordinator at CVS, that there was some scoring system used within the algorithm system? A. Not that I recall. Q. Were you ever informed by CVS, as DEA compliance coordinator, that there was a request to change the parameters within that algorithm system? A. Not that I recall. Q. As DEA compliance coordinator, did you ever review anything about the algorithm system? A. No, not that I recall. Q. As CVS DEA compliance coordinator, did you ever have anything to do with hiring or consulting with outside consultants for the purpose of trying to develop a suspicious order monitoring program? A. Not that I recall. Q. As DEA compliance coordinator, did you ever have anything to do with hiring or consulting with outside consultants for the suspicious order monitoring programs that had been developed by outside companies for der monitoring system implemented? A. Not that I recall. Q. As CVS compliance coordinator, did you ever see the CVS algorithm based suspicious order monitoring system implemented? A. No, not that I recall. Q. As CVS compliance coordinator, did you ever see the CVS algorithm based suspicious order monitoring system implemented? A. No, not that I recall. Q. As CVS compliance coordinator, did you ever see the CVS algorithm based suspicious order monitoring system implemented? A. No, not that I recall. Q. As CVS compliance coordinator, you were never informed by anybody within CVS or otherwise about the importance of a store metrics report? A. Not that I recall. Q. Do you know what a store metrics report is, do you? A. Not that I recall. Q. As CVS compliance coordinator, you were never informed by anybody within CVS or otherwise about the importance of a store metrics report? A. Not that I recall. Q. Do you know what a tries within the emission of a store metrics report? A. Not that I recall. Q. Do you know what a store metrics report is, do you? A. Not that I recall. Q. Do you know what a LAG is in the context of a suspicious order monitoring system implemented? A.				
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THE VIDEOGRAPHER: The time is 11-43 a.m. and we're on the record. BY MR. BAKER: Q. The place where you're considered DEA compliance coordinator is in the corporate office; is that correct? A. In reference — in SOP reference. Q. And corporate would mean CVS Pharmacy; is that correct? A. In reference — in SOP reference. Q. And corporate would mean CVS Pharmacy; is that correct? A. In reference — in SOP reference. Q. And corporate would mean CVS Pharmacy; is that correct? A. In reference — in SOP reference. Q. Dose CVS Pharmacy write these suspicious order monitoring policies for CVS distribution centers? A. I. can't say that I know. Q. As CVS corporate DEA compliance coordinator, are you familiar with how the description of drugs by drug companies to CVS the adequacy or efficacy of a suspicious order monitoring program? A. No. I can't say that I do. Q. Let me show you an e-mail that I'll mark as Exhibit No. 54. Puge 135 (Exhibit No. 54 marked for identification.) Mortelliti to Gary Misiaszek. Q. And it's Bates Numbers 34168 through 34171. It's dated I/01/4/2010 by a person named Gary — A. Misiaszek. Q Misiaszek to John Mortelliti. I'll hand you a copy. Go to the second page there, if you would. It's Bates Number 34169 and it's an e-mail dated October 6, 2010 from John Mortelliti to Gary Misiaszek concern you as BYMR. BAKER: Q Misiaszek condens of the names by the drug companies in the context of reviewing LAG so IRR reports for CVS, that being John Mortelliti to Gary Misiaszek concern you as BYMR. BAKER: Q. Did this issue that's described in this e-mail dated October 6, 2010 from John Mortelliti to Gary Misiaszek concern you as BYMR. BUSH: Hold on. THE WinterSex In now reviewing the metwork was missing, three to four item in the network was missing, three to four items of LAG info on today's report.		Page 134		Page 136
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Rems of LAO line on today's report.				-
	1 2.4	itame of LAG into on today's report	1 2.4	cornorate office of (V S)

	Page 138	<u> </u>	Page 140
1	_	1	A. Yes.
2	A. No, not that I recall. MR. BAKER: Before we move on	2	
3		3	Q. Okay. And so you were responsible for
	into the next topic, which is going to take me		assuring compliance with applicable CSA
4	a while, would this be a good lunch break time	5	requirements; is that correct?
5	for everybody?		A. Yes.
6	MR. BUSH: It's fine with me,	6	Q. Yes?
7	although I guess we haven't ordered.	7	A. Yes.
8	(Pause in proceedings.)	8	Q. Okay. Could you read the 13A above
9	THE VIDEOGRAPHER: The time is	9	it, where it says, "DC DEA Compliance
10	11:48 a.m. and we're off the record.	10	Coordinator"?
11	(D) (1 C) 11 40	11	A. "It means the individual designated as
12	(Recess taken from 11:48 a.m.	12	responsible for assuring compliance with
13	to 12:40 p.m.)	13	applicable CSA requirements at each CVS
14		14	distribution center. This person will have
15	THE VIDEOGRAPHER: The time is	15	the responsible to implement the required
16	12:40 p.m. We're on the record.	16	systems and procedures for controlled
17	MR. GOETZ: Hi, Ms. Propatier.	17	substances in coordination with the CVS DEA
18	My name is Dan Goetz and I'm going to ask you	18	Compliance Coordinator, the senior manager of
19	questions for a few minutes.	19 20	logistics, and the director of logistics loss
20	BY MR. GOETZ:		prevention."
21	Q. Could you go back to Exhibit 204,	21	Q. So part of what the DC is
22	please? I believe you had testified earlier	22	distribution center. Part of what the
23	that from 2008 through 2014 you had the same	23	distribution center DEA Compliance
24	job title and responsibilities at CVS; is that	24	Coordinator part of their job, they worked
	Page 139		Page 141
1	correct?	1	in coordination with you, right, to implement
2	A. Yes.	2	all the regulations related to the CSA?
3	Q. In Exhibit 204, could you look at	3	A. I didn't say some, that I can
4	8510, please?	4	recall, yes.
5	MR. BUSH: page 85?	5	Q. Okay. They had the responsibility and
6	BY MR. GOETZ:	6	you, as the CVS DEA Compliance Coordinator,
7	Q. page 8510, please.	7	had the responsibility, correct?
8	And do you see where it says "CVS DEA	8	MR. BUSH: Objection.
9	Compliance Coordinator"?	9	A. Certain certain responsibilities.
10	A. Uh-huh.	10	BY MR. GOETZ:
11	Q. Could you read that please out loud?	11	Q. Well, the applicable CSA requirements
12	A. "CVS DEA Compliance Coordinator	12	that were implemented by each CVS distribution
13	reports to the senior manager of logistics	13	center, correct?
14	planning and is designated as responsible for	14	A. Yes. Certain ones, yes.
15	assuring compliance with applicable CSA	15	Q. You kept saying, "I'm only responsible
16	requirements implemented by each CVS	16	for the SOP."
17	distribution center. This person will have	17	A. Uh-huh.
18	responsibility to monitor the required systems	18	Q. Do you remember that testimony?
19	and procedures implemented by each DC for	19	A. Yes.
20	controlled substance in coordination with	20	Q. The SOP is actually that's Exhibit
21	senior manager of logistics planning and	21	204. And the title of that is actually
22	director of logistics loss prevention."	22	Controlled Drug DEA Standard Operating
23	Q. From 2008 to 2014, that was you,	23	Procedures Manual, correct?
24	correct?	24	A. Correct.

	D 140		D 144
1	Page 142	1	Page 144
2	Q. And this document is actually all the	2	Manual."
	rules and regulations that CVS has passed to		Q. And it's the SOPs, right, that we were
3	try to meet their requirements under the CSA	3	talking about earlier?
4	and what the DEA requires as it relates to the	4	A. SOPs, yes.
5	distribution of controlled substances,	5	Q. Do you know when this version was
6	correct?	6	implemented?
7	A. Can you say that again?	7	A. I do not know.
8	Q. Okay. This document, 204	8	Q. I will represent to you that it's my
9	A. Uh-huh.	9	understanding this is the December 1, 2007
10	Q is actually the standard operating	10	SOP.
11	procedures and it is the rules and regulations	11	A. Okay.
12	that CVS has passed to try to meet the	12	Q. And so it's my belief that this is
13	requirement of the DEA in the Controlled	13	actually the first standard operating
14	Substances Act as it relates to distribution	14	procedure that existed relative to this, okay?
15	of controlled substances, correct?	15	A. Uh-huh, okay.
16	A. I can't say for certain that it's	16	Q. Are you aware are you aware of any
17	everything, but it covers certain areas.	17	standard operating procedures related to the
18	Q. Well, as the DEA Compliance	18	distribution of controlled substances prior to
19	Coordinator, what other document covers	19	December 1 of 2007?
20	anything from from 2008 or 12/1 of '07,	20	A. I can't say I recall.
21	when this is implemented, until 2013, the end	21	Q. Can we agree, in your role as CVS DEA
22	of 2013, what what else covers it? What	22	Compliance Coordinator, that an essential
23	else governs it?	23	element of any compliance system is the
24	A. I don't know if I know everything that	24	ability to audit that system?
	Page 143		Page 145
1	governs it.	1	A. Can I agree was that my role, for
2	Q. As the DEA Compliance Coordinator, you	2	my role?
3	can't say this isn't all the rules, can you?	3	Q. No. Do you agree with that, that an
4	MR. BUSH: Objection.	4	essential role an essential element of any
5	A. I can't. No, I can't say if it's all	5	compliance system is the ability to audit that
6	or not.	6	system?
7	BY MR. GOETZ:	7	A. For compliance system? I guess it
8	Q. I'm going to hand you what's been	8	would be.
9	marked as Exhibit 203. And that begins at	9	Q. If you can't audit the system, we have
10	Bates number 66576?	10	no idea if it's working or not working?
11	A. Uh-huh.	11	A. Uh-huh.
12	MR. BUSH: Do I get one of	12	Q. Do you agree with that?
13	those?	13	A. I would
14	THE WITNESS: Is one of these	14	MR. BUSH: Objection.
15	for him?	15	A. I would agree.
16	MR. BAKER: Yes.	16	BY MR. GOETZ:
17	MR. GOETZ: Yes, I have three of	17	Q. And would you agree that you have to
18	them. I handed you three of them. I	18	be able to audit the system, meaning audit the
19	apologize for handing you everything at once.	19	processes and the output? Would you agree
20	BY MR. GOETZ:	20	with that?
	Q. Can you read the cover of that, what	21	
121		1	MR. BUSH: Objection.
21		22	A Lauge for a greatern I would agree
22	that says?	22	A. I guess for a system I would agree.
22	that says? A. "CVS Distribution Center Controlled	23	BY MR. GOETZ:
22	that says?		· · · · · · · · · · · · · · · · · · ·

perating, SOP a large part of this related to audits; is that correct? MR. BUSH: Take your time if you need to look through it. THE WITNESS: 1 am. (Witness reviews document.) BY MR. GOETZ: Q. And you can look through the whole document. I'n totally fine with that. I'll withdraw my question. But if you'd like the to look through the whole document, it's fine, but I would direct your attention to 66632 and l'I lask you what that is. But if you want to purse the whole document while you're doing it, that's fine. A. (Witness reviews document.) MR. BUSH: Referring to 66632? MR. GOETZ: Yes, and - MR. BUSH: Rad subsequent pages? MR. GOETZ: Yes, and - MR. BUSH: And subsequent pages? MR. GOETZ: Yes. DEA. DEA. DO Jo you know what that is? DO you know what that is? DEA. DO Jo you know what that is? A. Do J know what it is? I believe it's a form loss prevention used. Q. Do you know what that is? A. No. Q. There was an aplaceholder was a placeholder while they were working on the documents to update it. Page 149 Q. And that was in August of 2010; is that correct? A. I leave that was the date. Q. And says it's an inspection report, A. No. A. No. A. For gathering these. Do you remember that? A. For gathering these. Do you updating the SOP. Q. Yes. A. For the SOP? A. For the SOP? A. For the SOP? A. A. Was responsible for agthering the results of this inspection report? A. Not that I recall. Q. Can you turn to 6606 of that document, that manual, but not within than manual. Q. Okay, And again, what was outside of that manual, but not within than manual. Q. Okay, And again, what was outside of that manual prior to August of 2010? Can you direct met on anything as the CVS DEA. MR. BUSH: G606.		B 146	1	D 140
2		Page 146		Page 148
MR. BUSH: Take your time if you need to look through it. THE WITNESS: I am. (Witness reviews document.) Withdraw my question. But if you'd like the to look through the whole document. I'm totally fine with that. I'll withdraw my question. But if you'd like the to look through the whole document, it's fine, but I would direct your attention to 66632 and I'll ask you what that is. But if you want to peruse the whole document with you're doing it, that's fine. MR. BUSH: Referring to 66632? MR. BUSH: Referring to 66632? MR. BUSH: Referring to 66632? MR. BUSH: And subsequent pages? MR. GOETZ: Yes, and				
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THE WITNESS: I am. (Witness reviews document.) BY MR. GOETZ: BY MR. GOETZ: CA. No, I did not. Q. And you can look through the whole document. I'm totally fine with that. I'll withdraw my question. But if you'd like the live with warm of the whole document. But if you'd like the live withdraw my question. But if you'd like the live with warm of the whole document, it's fine, but I would direct your attention to 66632 and live with warm of the whole document while you're doing lit, that's fine. MR. GOETZ: MR. GOETZ: MR. GOETZ: MR. GOETZ: A. I hay si it's an inspection report, DEA. BY MR. GOETZ: Page 147 Q. Do you know what that is? A. Do I know what it is? I believe it's a form loss prevention used. Q. Do you know what it is? I believe it's a form loss prevention used. Q. Do you hand what it's? I believe it's a form loss prevention used. Q. Do you hand what it is? I believe it's a form loss prevention used. Q. Do you hand what it is? I believe it's a form loss prevention used. Q. Do you have any — as the CVS DEA Compliance Coordinator, do you have any remember that? A. No. Q. There was, at one time, when you were responsible for gathering these. Do you remember that? A. For gathering the reports? Q. Yes. A. I has responsible for — yes, for updating the SOP? Q. Yes. A. Not that I recall. Q. Can you turn to 6606 of that document, please? MR. BUSH: 6606.	3	· · · · · · · · · · · · · · · · · · ·	3	Q. There has been testimony strike
6 (Witness reviews document.) 7 BY MR. GOETZ: 8 Q. And you can look through the whole document. I'm totally fine with that. I'll withdraw my question. But if you'd like the but I would direct your attention to 66632 and I'll ask you what that is. But if you want to peruse the whole document while you're doing it, that's fine. 16 A. (Witness reviews document.) 17 Q. Do you know what that is? 18 MR. BUSH: Referring to 66632? 19 MR. GOETZ: Yes, and	4	need to look through it.	4	that.
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	23	MR. BUSH: 6606.		direct me to anything as the CVS DEA

	-		irther confidentiality Review
	Page 150		Page 152
1	A. No. I wasn't responsible for SOM.	1	also include a comparison of CVS's SOPs to the
2	Q. You were responsible for CVS DEA	2	operations of the DC," correct?
3	compliance, correct?	3	A. Correct.
4	A. Certain aspects of it.	4	Q. Is that correct? Did I read that
5	Q. When we went to 203 and 204, that	5	correctly?
6	doesn't distinguish I'm talking about	6	A. Yes, you did.
7	Exhibit 203 and 204 that doesn't	7	Q. So what they're speaking about is they
8	distinguish your role as only being	8	compare how the distribution center operates
9	responsible as the CVS DEA Compliance	9	to the requirements of this SOP; is that
10	Coordinator for things other than SOM, does	10	correct?
11	it?	11	A. I would assume that's what they're
12	A. I'm sorry, like	12	referring to.
13	MR. BUSH: Objection.	13	Q. And so since we did not have any
14	A. Can you repeat that? I don't know	14	written SOM as part of this SOP, would you
15	what you're talk	15	agree with me that we could not do this in
16	Q. You just said you were not responsible	16	2008?
17	for the SOM.	17	A. I can't answer that.
18	A. For managing the SOM program, no.	18	Q. Do you know of some SOM that they
19	Q. Okay. So tell me, from 2008 through	19	could do a comparison to the CVS operations of
20	2014, who was the CVS DEA Compliance	20	the DC?
21	Coordinator for SOM?	21	A. I don't recall. I can't answer that.
22	A. For SOM specifically?	22	Q. They couldn't do it in 2009 either,
23	Q. Yes.	23	could they?
24	A. I I don't know if there was a	24	A. I can't answer that.
1		1	
	D 4#4		B 470
1	Page 151	1	Page 153
1	specific coordinator for SOM.	1	Q. And they couldn't do it until at least
2	specific coordinator for SOM. Q. It's nowhere in the document, is it?	2	Q. And they couldn't do it until at least through August of 2010, could they?
2 3	specific coordinator for SOM. Q. It's nowhere in the document, is it? A. I don't recall.	2 3	Q. And they couldn't do it until at least through August of 2010, could they? A. I can't answer that. I don't know
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	specific coordinator for SOM. Q. It's nowhere in the document, is it? A. I don't recall. Q. Okay. And these A. I would need to look through it. Q. These are documents that you give to the DEA. Are you aware of that? A. I've never given them to the DEA, but I can't say if they haven't been given to the DEA. Q. Are you aware if they've been given to the DEA? A. Not specifically aware of someone giving them to the DEA. Q. Can you go to page 6606 of 203, please? And do you see where it says, "Procedure"? A. Uh-huh, yes. Q. And it says tell me if I'm reading this correct in the first paragraph "Loss prevention will conduct compliance reviews." A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And they couldn't do it until at least through August of 2010, could they? A. I can't answer that. I don't know what they were capable of. Q. And we know they couldn't do it in 2006 or 2007 because there was no written procedure, correct? A. I don't know that to be true. Q. Well, when you say that, what as the compliance coordinator we're here trying to find out information what do you think there was? A. I can't answer that. I don't know. Q. If we go back to the DC DEA Compliance Coordinator and the CVS DEA Compliance Coordinator, were you the person responsible for assuring compliance with applicable CVS requirements MR. BUSH: CSA. MR. GOETZ: CSA requirements. Thank you. BY MR. GOETZ:

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	Page 154		Page 156
1	A. Uh-huh.	1	Q. Ma'am, you used to send e-mails,
2	Q. Is that correct?	2	right, with the tagline
3	A. That's what it says.	3	A. Right.
4	Q. Is that correct? Was that your role?	4	Q CVS DEA Compliance Coordinator?
5	A. I was responsible for being a liaison	5	A. Right.
6	for the distribution centers.	6	Q. Correct?
7	Q. That's not what I asked.	7	A. It was an identifying point of
8	Were you responsible for assuring	8	contact, yes.
9	compliance with applicable CSA requirements	9	Q. And so
10	implemented by each CVS distribution center?	10	A. For
11	MR. BUSH: Objection. Asked and	11	MR. BUSH: Wait a second.
12	answered.	12	THE WITNESS: Sorry.
13	A. I was responsible for working being	13	MR. BUSH: Wait. Don't talk
14	a liaison with the distribution centers for	14	over each other.
15	their compliance that they implemented	15	MR. GOETZ: I apologize, I'm
16	themselves at the distribution center.	16	very sorry.
17	Q. This is and I'm not trying to	17	A. No. It was identifying point of
18	become hypertechnical. It's really a yes or a	18	contact for standard a standard contact in
19		19	an SOP. People and titles change. They
20	no. Were you responsible for assuring	20	implemented that point of contact in case I
21		21	•
22	compliance with the applicable CSA	22	was to leave and somebody else went into the
23	requirements implemented by each CVS	23	position with a different they have a
	distribution center?		different name. They also could have had a
24	MR. BUSH: I object to that.	24	different title. It was a standard point of
	Page 155		Page 157
1	The question has now been answered twice.	1	contact that that referred to. My actual job
2	A. Yes.	2	title was Logistics Rx Services Manager.
3	BY MR. GOETZ:	3	BY MR. GOETZ:
4	Q. Did you say yes?	4	Q. Did you put on your e-mails, as a
5	MR. BUSH: No. You can answer	5	tagline, Corporate CVS DEA Compliance
6	now. I just objected.	6	Coordinator?
7	A. No. I said I was responsible, yes,	7	A. Yes.
8	for being a liaison with the distribution	8	Q. Okay. And when you say this was put
9	centers for compliance that they had	9	in here as a point of contact, if I am at a
10	implemented there on-site.	10	distribution center and I go, I would like to
11	BY MR. GOETZ:	11	know who is responsible for assuring
12	Q. Is that a yes?	12	compliance with applicable CSA requirements
13	MR. BUSH: Objection.	13	implemented by each CVS distribution center, I
14	BY MR. GOETZ:	14	would find you as that person, correct?
15	Q. I'm just trying to find out, yes or	15	A. You may, yes.
16	no, if that was your role as was told to the	16	Q. Who else would I find?
17	DEA.	17	A. There were there could be other
18	A. My role	18	people that were also involved in compliance.
19	MR. BUSH: Objection.	19	I can't recall off the top of my head, but,
20	A was a logistics pharmacy services	20	
21		21	yes, you could reach out to me.
22	manager. The CVS DEA Compliance Coordinator	22	Q. Were there other people from 2008 to
23	refers to a title that was given as a	23	2014 that were ever identified as holding that
24	reference point in the SOP.	24	title?
4	BY MR. GOETZ:	24	A. Not that I recall.
		1	

	Jilly Communicat - Subject to	J 1 4	_
1	Page 158	1	Page 160
1	Q. It was only you that actually CVS	1 2	A. Yes you read it correctly.
2	identified as holding that title?		BY MR. GOETZ:
3	A. I guess. The SOP, not CVS. Like as	3	Q. And assuming that there was no SOM in
4	far as my job my job at CVS, my personnel	4	the SOP until August of 2010, that would not
5	identified me as a logistics services. The	5	have been possible, would it have been? In
6	SOP identifies me as the compliance	6	2007, 2008, 2009 and through August of 2010,
7	coordinator.	7	you could not do a comparison of the SOM to
8	Q. You understand that the SOP is CVS	8	figure out if they were in compliance with SOP
9	document	9	requirements?
10	A. Yes.	10	A. I can't answer that. I didn't conduct
11	Q a CVS document?	11	the audits.
12	A. Yes.	12	Q. You you received the audits at
13	Q. And you understand that that SOP was	13	times?
14	implemented, adopted by CVS?	14	MR. BUSH: Objection.
15	A. Yes.	15	A. No, not that I recall.
16	Q. Okay. Could you go to 6608, please?	16	BY MR. GOETZ:
17	Do you see where it says, "Report"?	17	Q. Did you ever review the audits?
18	And it says, "After the review is complete, a	18	A. Not that I recall.
19	detailed mock DEA audit will be prepared and	19	Q. As the CVS DEA Compliance Coordinator,
20	furnished to the pharmacy manager"	20	you never felt it necessary to review the
21	A. Uh-huh.	21	audits?
22	Q "DC, DEA Compliance Director and DC	22	A. Not that I recall.
23	Director"?	23	Q. Could you turn to 6619, please? And
24	A. Uh-huh.	24	if you you go back to 6616, this section of
	Page 159		Page 161
1	Q. Did you ever receive that report as	1	the SOP deals with a DEA investigation,
2	the CVS Compliance Director?	2	correct?
3	A. Not that I recall.	3	A. Yes, correct.
4	Q. So it was never important enough to	4	Q. Is that correct?
5	give to the top person?	5	A. Yes.
6	A. I was not the top person. I would not	6	Q. And this section deals with what the
7	refer to myself as the top person.	7	DEA will do, what it's going to want to see,
8	Q. Okay. It was never important enough	8	what it might find, those sorts of things,
9	to give to the CVS director of compliance?	9	correct?
10	A. I was not the director of compliance.	10	A. Correct.
11	Q. I'll get it exactly right, I	11	Q. Can you go to the Paragraph 13? And
12	apologize.	12	the bottom of Paragraph 13, the last sentence,
13	CVS DEA Compliance Coordinator.	13	it says, "The diversion investigators will
14	Again, this report on Paragraph 3	14	also review the DC's registration and
15	indicates that "There will be a comparison of	15	suspicious order monitoring systems and
16	the operations of the CVS's SOPs and identify	16	programs to ensure compliance with the
17	those areas that are not in compliance with	17	regulations."
18	the SOP requirements."	18	Do you see that?
19	Did I read that correctly?	19	A. I see that.
20	A. Which part are you reading, I'm sorry?	20	Q. Prior to August of 2010, what would be
21	Q. Paragraph 3.	21	provided to the DEA?
22	MR. BUSH: It's on 08.	22	A. I can't answer that. I didn't I
		1	
23	THE WITNESS: Oh, this one.	23	wasn't there.
23 24	THE WITNESS: Oh, this one. Okay, sorry.	23	wasn't there. Q. Is it your testimony that you didn't

	Page 162		Page 164
1	know what would be told to the DEA during an	1	(Exhibit No. 205 previously marked
2	audit when there weren't any SOM programs in	2	for identification.)
3	the SOP?	3	
4	A. I don't recall that I would know.	4	MR. BAKER: Can I get a copy.
5	Q. Do you know what SOM program was in	5	BY MR. GOETZ:
6	the SOP before August of 2010?	6	Q. Exhibit 205 is a document Bates
7	A. I don't know.	7	numbered 66574. Do you see the second e-mail,
8	Q. Do you know anything about the	8	the e-mail on the bottom?
9	suspicious order monitoring program, written	9	A. Yes.
10	or unwritten, before August of 2010?	10	Q. And could you read that, please, the
11	A. I don't recall.	11	first paragraph?
12	Q. Do you know, as you sit here today?	12	A. "Attached is the DEA SOP, which was
13	MR. BUSH: Know what?	13	implemented in December 2007. We have made
14	A. No what?	14	recent updates to the SOP. Please note we
15	BY MR. GOETZ:	15	have updated the record retention period from
16	Q. Anything about any SOM program,	16	five years to two years. Also, the SOM
17	written or unwritten, before August of 2010.	17	section is not included. In the event of an
18	A. As far as?	18	audit and questions come up, please direct
19	Q. Anything related to suspicious order	19	them to corporate (Frank or myself) for an
20	monitoring.	20	explanation of the program. Please review
21	A. I know there's a suspicious order	21	with your teams and forward to anyone I may
22	monitoring program, but I can't speak to	22	have missed."
23	the how the system works.	23	Q. And this is April 3 of 2009, correct?
24	Q. Pre-August of 2010, what was the	24	A. Yes, that's what it says.
			•
	Page 163		Page 165
1	suspicious order monitoring program?	1	Q. *And so this e-mail is to what I would
2	A. I can't speak to how it worked.	2	consider a lot of people, but the document
3	Q. How do you know then that one existed?	3	will speak for itself.
4	A. I've heard them speak of it.	4	But you were telling all these people,
5	Q. Who?	5	hey, if the DEA wants to know about what our
6	A. Frank Devlin.	6	
			SOM program is, have them contact me or Frank
7	Q. What did he say?	7	SOM program is, have them contact me or Frank and we will give them an explanation, correct?
7 8	A. I don't recall specifically. But I		SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up
	A. I don't recall specifically. But I know I recall hearing about a suspicious order	7	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us.
8	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall	7 8	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes?
8 9	A. I don't recall specifically. But I know I recall hearing about a suspicious order	7 8 9	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection.
8 9 10	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there	7 8 9 10	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question?
8 9 10 11	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one?	7 8 9 10 11	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection.
8 9 10 11 12	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there	7 8 9 10 11 12	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question?
8 9 10 11 12 13	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one?	7 8 9 10 11 12 13	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it
8 9 10 11 12 13	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that.	7 8 9 10 11 12 13	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back?
8 9 10 11 12 13 14 15	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that. Q. Is that could that have been what	7 8 9 10 11 12 13 14	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back? *(Question read.)
8 9 10 11 12 13 14 15	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that. Q. Is that could that have been what you heard?	7 8 9 10 11 12 13 14 15	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back? *(Question read.) A. No.
8 9 10 11 12 13 14 15 16	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that. Q. Is that could that have been what you heard? A. I don't recall that.	7 8 9 10 11 12 13 14 15 16	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back? *(Question read.) A. No. BY MR. GOETZ:
8 9 10 11 12 13 14 15 16 17	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that. Q. Is that could that have been what you heard? A. I don't recall that. MR. BUSH: Hold on, guys. Both	7 8 9 10 11 12 13 14 15 16 17	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back? *(Question read.) A. No. BY MR. GOETZ: Q. No?
8 9 10 11 12 13 14 15 16 17 18	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that. Q. Is that could that have been what you heard? A. I don't recall that. MR. BUSH: Hold on, guys. Both of you need to wait for the other one to stop,	7 8 9 10 11 12 13 14 15 16 17 18	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back? *(Question read.) A. No. BY MR. GOETZ: Q. No? A. No.
8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that. Q. Is that could that have been what you heard? A. I don't recall that. MR. BUSH: Hold on, guys. Both of you need to wait for the other one to stop, so we don't speak over each other.	7 8 9 10 11 12 13 14 15 16 17 18 19 20	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back? *(Question read.) A. No. BY MR. GOETZ: Q. No? A. No. MR. BUSH: I'm sorry, what was
8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that. Q. Is that could that have been what you heard? A. I don't recall that. MR. BUSH: Hold on, guys. Both of you need to wait for the other one to stop, so we don't speak over each other. BY MR. GOETZ: Q. You can keep those in front of you,	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	SOM program is, have them contact me or Frank and we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back? *(Question read.) A. No. BY MR. GOETZ: Q. No? A. No. MR. BUSH: I'm sorry, what was the answer?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't recall specifically. But I know I recall hearing about a suspicious order monitoring program, but I don't recall specifically. Q. Did you hear about that maybe there wasn't one? A. I don't recall that. Q. Is that could that have been what you heard? A. I don't recall that. MR. BUSH: Hold on, guys. Both of you need to wait for the other one to stop, so we don't speak over each other. BY MR. GOETZ:	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	SOM program is, have them contact me or Francand we will give them an explanation, correct? A. This section, if a question comes up it directed them to contact us. Q. Was that a yes? MR. BUSH: Objection. A. I'm sorry, what was the question? MR. GOETZ: Can you read it back? *(Question read.) A. No. BY MR. GOETZ: Q. No? A. No. MR. BUSH: I'm sorry, what was the answer? THE WITNESS: I said no.

	Dans 166		Dana 160
1	Page 166	1	Page 168
1	question said program.	1	A. Not that I recall, no.
2	MR. BUSH: Right.	2	Q. You never searched to see, hey, what
3	BY MR. GOETZ:	3	was I going to tell the DEA in April of '09
4	Q. I'll read it to you. "Also, the SOM	4	whether you had a document that might have
5	section is still not included in the SOP. In	5	spoken to that?
6	the event of an audit and questions come up,	6	A. No.
7	please direct them to corporate (Frank or	7	Q. Do you know if Frank would be able to
8	myself) for the explanation of the program."	8	tell us what was going to be told to the DEA?
9	Did I read that correctly?	9	A. I don't know. I can't speak for
10	A. Yes.	10	Frank.
11	Q. In the event of a DEA audit	11	(Exhibit No. 203 previously marked
12	A. Uh-huh.	12	for identification.)
13	Q what were you going to tell them in	13	
14	April of 2009?	14	BY MR. GOETZ:
15	A. I don't recall.	15	Q. And just so the record's clear we
16	Q. You have no idea?	16	talked about it earlier, but this has a
17	A. I do not remember.	17	tagline, right, as Logistics Rx Services
18	Q. You can't remember anything? It	18	Manager Corporate CVS DEA Compliance
19	was you or Frank were the only ones that	19	Coordinator, right?
20	could give the explanation of the program and	20	A. Yes.
21	you don't remember anything?	21	Q. Would you agree with me if we go back
22	MR. BUSH: Objection.	22	to I apologize Exhibit 203 and
23	A. I do not remember.	23	A. What page?
24	BY MR. GOETZ:	24	Q. 6619.
	Page 167		Page 160
1	Q. Did you have notes of the program in	1	Page 169
2	2009 so you could tell the DEA?	2	Exhibit 203. And it's Bates number 6619 and we go back to Paragraph 13. And it
3	MR. BUSH: Objection.	3	0 1
4	A. Not that I recall.	4	says, "The diversion investigator will also
5		5	review the DC's registration and suspicious
6	BY MR. GOETZ:		order monitoring systems and programs to
7	Q. Okay. There was no written policy	6	ensure compliance with the regulations," that
	written SOM policy as of April of 2009, was	7	that implies that there are written SOM
8	there?	8	programs?
9	A. I do not know.	9	MR. BUSH: Objection.
10	Q. Assuming there was no written policy,	10	A. What was the question?
11	where were you going to get the information to	11	BY MR. GOETZ:
12	tell the DEA what was happening?	12	Q. If you read that last sentence
13	MR. BUSH: Objection.	13	A. Yes.
14	A. I do not recall.	14	Q of Paragraph 13
15	BY MR. GOETZ:	15	A. (Witness reviews document.)
16	Q. Do you, in your office, keep notes of	16	Okay.
17	important things?	17	Q would you agree with me that that
18	A. I may for certain things.	18	implies that there are written SOM policies?
19	Q. Do you keep handwritten notes or do	19	MR. BUSH: Objection.
20	you keep notes on a computer?	20	A. No, I wouldn't agree.
21	A. I could have both.	21	BY MR. GOETZ:
22	Q. Did you ever search for any documents	22	Q. Okay. How would the DEA review the
23	related to this litigation through your	23	suspicious order monitoring systems and
24	office?	24	programs otherwise?
1		1	

A. I don't know. I can't speak for how the DEA reviews during an audit. Q. Did you know that in April of 2009? MR. BUSH: Know what? MR. GOETZ: How the DEA what their expectations with were of an audit in April of 2009. A. I can't say that I recall or know.	1 2 3 4 5 6 7	Page 172 A. No, I did not. I did not work with the system. Q. Would you agree with me that the DEA requirements are not hard to meet? MR. BUSH: Objection. A. Would I agree? No, I wouldn't agree.
the DEA reviews during an audit. Q. Did you know that in April of 2009? MR. BUSH: Know what? MR. GOETZ: How the DEA what their expectations with were of an audit in April of 2009.	2 3 4 5 6	the system. Q. Would you agree with me that the DEA requirements are not hard to meet? MR. BUSH: Objection. A. Would I agree? No, I wouldn't agree.
Q. Did you know that in April of 2009? MR. BUSH: Know what? MR. GOETZ: How the DEA what their expectations with were of an audit in April of 2009.	3 4 5 6	Q. Would you agree with me that the DEA requirements are not hard to meet? MR. BUSH: Objection. A. Would I agree? No, I wouldn't agree.
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their expectations with were of an audit in April of 2009.	6	A. Would I agree? No, I wouldn't agree.
April of 2009.		
•	7	
A. I can't say that I recall or know.		BY MR. GOETZ:
	8	Q. You wouldn't? Do you think that the
BY MR. GOETZ:	9	DEA requirements are burdensome?
Q. Did you know what they would be	10	A. I think it would depend on what
looking for in April of 2009?	11	capacity we're talking. There's lots of DEA
A. I can't say I recall.	12	requirements.
Q. Could you turn to 6614, please, of	13	Q. The DEA requirements, as they relate
this document just so we're clear?	14	to controlled drug substances and the
	15	distribution of those, do you think they are
order monitoring SOM," that is the section	16	difficult to meet?
this language is the section that is just a	17	A. I don't know if I can say if they're
ç ç	18	difficult to meet.
•	19	Q. You
-	20	A. I don't know all of them.
•	21	Q. As the CVS DEA Compliance Coordinator,
	22	the ones that you know of, do you believe they
*	23	are difficult the meet?
	24	A. The ones that I know of? I don't I
_		Page 173
		don't myself feel they're they they're
		difficult to meet.
		Q. Okay. As the CVS DEA Compliance
-		Coordinator, do you believe that the
		requirements, as it relates to controlled
		substances distribution, are difficult to
_		meet?
		A. Speaking for CVS?
		Q. Yes.
		A. I mean, in my opinion, I would say no,
	11	they're not difficult to meet.
	12	Q. They're relatively easy, correct?
speak to it.	13	A. I I don't know if I would use the
-	14	word "easy," but they're requirements.
what information would you need to know	15	Q. You think they're lax?
whether or not the order quantity parameters	16	A. I don't feel they're lax.
for controlled drugs were finished?	17	Q. Do you agree that the DEA's goals are
	18	to prevent diversion of controlled substances
MR. BUSH: I'm sorry, was	10	to provent diversion of controlled substances
MR. BUSH: I'm sorry, was finished?	19	and to ensure an adequate supply?
-		•
finished?	19	and to ensure an adequate supply?
finished? A. Finished?	19 20	and to ensure an adequate supply? A. Yes, I would agree.
finished? A. Finished? BY MR. GOETZ:	19 20 21	and to ensure an adequate supply?A. Yes, I would agree.Q. And that's it, correct?
	Q. Could you turn to 6614, please, of this document just so we're clear? And Section D, which says, "suspicious order monitoring SOM," that is the section this language is the section that is just a placeholder; is that correct? A. From yeah. From what I believe, yes. Q. And Paragraph B of that section, where it says, "These parameters are documented in SOP - 'order quantity parameters for controlled drugs' - being developed and Page 171 written." Did I read that correctly? A. Yes. Q. So we know that, at this point at least, any order quantity parameter was unknown, correct? A. I can't agree with that. Q. Okay. Well, how would you know it? A. I don't have enough information, like, to agree with it. Q. What information would you need? A. I didn't own the program, so I can't speak to it. Q. As the CVS DEA Compliance Coordinator, what information would you need to know	Q. Could you turn to 6614, please, of this document just so we're clear? And Section D, which says, "suspicious order monitoring SOM," that is the section this language is the section that is just a placeholder; is that correct? A. From yeah. From what I believe, yes. Q. And Paragraph B of that section, where it says, "These parameters are documented in SOP - 'order quantity parameters for controlled drugs' - being developed and Page 171 written." Did I read that correctly? A. Yes. Q. So we know that, at this point at least, any order quantity parameter was unknown, correct? A. I can't agree with that. Q. Okay. Well, how would you know it? A. I don't have enough information, like, to agree with it. Q. What information would you need? A. I didn't own the program, so I can't speak to it. Q. As the CVS DEA Compliance Coordinator, what information would you need to know 13 14 15 16 16 16 17 17 18 17 18 22 24 24 24 24 25 26 27 28 29 29 20 21 22 23 24 24 24 24 24 25 26 27 28 29 29 20 21 21 22 23 24 24 24 24 24 25 26 27 28 29 29 20 21 21 22 23 24 24 24 24 24 25 26 27 28 29 29 20 21 21 22 23 24 24 24 24 24 27 28 29 29 20 20 21 21 22 23 24 24 24 27 28 29 29 20 20 21 21 22 23 24 24 24 27 28 29 29 20 20 21 22 23 24 24 24 25 26 27 28 29 29 20 20 21 21 22 23 24 24 25 26 27 28 29 29 20 20 21 21 22 23 24 24 25 26 27 28 29 29 20 20 21 21 22 23 24 24 24 24 24 25 26 27 28 29 29 20 20 21 21 22 23 24 24 25 26 27 28 29 29 20 20 21 21 22 23 24 24 29 24 29 29 20 21 21 22 23 24 24 29 29 20 21 21 22 23 24 24 29 29 20 21 21 22 23 24 24 29 29 20 21 21 22 23 24 24 29 29 20 21 21 22 23 24 24 29 29 20 21 21 22 23 24 24 29 29 29 20 20 21 21 22 23 24 24 29 29 29 20 20 21 21 22 23 24 24 29 29 29 20 20 21 21 22 23 24 24 29 29 29 20 20 21 21 21

	D 454		D 454
	Page 174		Page 176
1	Procedures Manual, is about controlling	1	MR. BUSH: I have 666
2	diversion and an adequate supply, correct?	2	MR. GOETZ: You have no 66623?
3	A. Yes.	3	(Pause in proceedings.)
4	Q. And that is what your job was, right,	4	MR. BUSH: I have 66623, but it
5	to manage that, to be the DEA Compliance	5	seems to follow 66624. Let's see.
6	Coordinator for that?	6	THE WITNESS: Yes, me too.
7	MR. BUSH: Objection.	7	MR. BUSH: They're out of order.
8	A. No. I would not say that was my job.	8	I don't know why.
9	My job was to be a central contact and keep a	9	THE WITNESS: So we're going to
10	consolidated point of contact for all our	10	23?
11	distribution centers to get information to	11	MR. BUSH: Ask him. He's in
12	support them.	12	charge.
13	BY MR. GOETZ:	13	MR. GOETZ: Yes, please.
14	Q. Did you ever tell anybody at CVS, hey,	14	MR. BUSH: Do you see what's
15	I don't think this being a DC or a DEA	15	going on? 6624, and then 6623 comes after it.
16	Compliance Coordinator is actually my job?	16	Unclear why that happened, but there it is.
17	A. Not that I recall.	17	MR. GOETZ: My children might
18	Q. Okay. And did you ever tell anybody	18	have numbered this.
19	at CVS, hey, I don't think I'm responsible for	19	BY MR. GOETZ:
20	assuring compliance with applicable CSA	20	Q. The first paragraph up top
21	requirements implemented by each CVS	21	MR. BUSH: So which one?
22	distribution center?	22	MR. GOETZ: 6623.
23	A. Not that I recall.	23	MR. BUSH: 23, okay, got it.
24	Q. CVS believes you were doing that,	24	BY MR. GOETZ:
	<u> </u>		
	Page 175		Page 177
1	correct?	1	Q. The first paragraph up top, where it's
2	MR. BUSH: Objection.	2	Paragraph C. It says, "Use CVS's standard
3	A. I don't know what CVS was I can't	2 3	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA
3 4	A. I don't know what CVS was I can't speak for what CVS believed.	2 3 4	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure
3 4 5	A. I don't know what CVS was I can't speak for what CVS believed. BY MR. GOETZ:	2 3 4 5	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all
3 4 5 6	A. I don't know what CVS was I can't speak for what CVS believed.BY MR. GOETZ:Q. Did you ever get reprimanded for not	2 3 4 5 6	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all requirements," correct?
3 4 5	A. I don't know what CVS was I can't speak for what CVS believed. BY MR. GOETZ: Q. Did you ever get reprimanded for not doing it?	2 3 4 5	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all requirements," correct? MR. BUSH: Okay. Wait a second.
3 4 5 6	A. I don't know what CVS was I can't speak for what CVS believed. BY MR. GOETZ: Q. Did you ever get reprimanded for not doing it? A. Not that I recall.	2 3 4 5 6	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all requirements," correct? MR. BUSH: Okay. Wait a second. Make sure you have the context for that. So
3 4 5 6 7 8	 A. I don't know what CVS was I can't speak for what CVS believed. BY MR. GOETZ: Q. Did you ever get reprimanded for not doing it? A. Not that I recall. Q. And they gave you that title in these 	2 3 4 5 6 7 8	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all requirements," correct? MR. BUSH: Okay. Wait a second. Make sure you have the context for that. So it's the carry over from X-3, which is
3 4 5 6 7 8	A. I don't know what CVS was I can't speak for what CVS believed. BY MR. GOETZ: Q. Did you ever get reprimanded for not doing it? A. Not that I recall. Q. And they gave you that title in these documents, correct, CVS DEA Compliance	2 3 4 5 6 7 8	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all requirements," correct? MR. BUSH: Okay. Wait a second. Make sure you have the context for that. So it's the carry over from X-3, which is actually 6622.
3 4 5 6 7 8	 A. I don't know what CVS was I can't speak for what CVS believed. BY MR. GOETZ: Q. Did you ever get reprimanded for not doing it? A. Not that I recall. Q. And they gave you that title in these 	2 3 4 5 6 7 8	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all requirements," correct? MR. BUSH: Okay. Wait a second. Make sure you have the context for that. So it's the carry over from X-3, which is
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3 4 5 6 7 8 9 10	A. I don't know what CVS was I can't speak for what CVS believed. BY MR. GOETZ: Q. Did you ever get reprimanded for not doing it? A. Not that I recall. Q. And they gave you that title in these documents, correct, CVS DEA Compliance Coordinator?	2 3 4 5 6 7 8 9 10	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all requirements," correct? MR. BUSH: Okay. Wait a second. Make sure you have the context for that. So it's the carry over from X-3, which is actually 6622. THE WITNESS: I'm out of
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't know what CVS was I can't speak for what CVS believed. BY MR. GOETZ: Q. Did you ever get reprimanded for not doing it? A. Not that I recall. Q. And they gave you that title in these documents, correct, CVS DEA Compliance Coordinator? A. They as in who? Q. CVS. A. CVS I don't I don't know if how to answer that. My boss, yes, I guess. If he's CVS, yes, my boss did. Q. Could you go to 6623, please, of that document? A. What page? MR. BUSH: 6623. Is that right? MR. GOETZ: Yes. I'm sorry, I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Paragraph C. It says, "Use CVS's standard operating procedures, SOPs, for all DEA requirements in our facility to ensure continuance and complete adherence to all requirements," correct? MR. BUSH: Okay. Wait a second. Make sure you have the context for that. So it's the carry over from X-3, which is actually 6622. THE WITNESS: I'm out of (Witness reviews document.) A. So does it read that? BY MR. GOETZ: Q. Yes. A. Yes, that's what it reads. Q. And do you understand that what they're talking about, where it says, "Adherence to all requirements," are all DEA requirements, correct? A. Yes, for all DEA requirements in our
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	Page 178		Page 180
1	it	1	Q. Right.
2		2	A into in SOP?
3	A. Paragraph 2, yes.Q what that says is, "While	3	
4	•	4	Q. Into this SOP.
5	comprehensive, DEA requirements are not	5	A. Yes. But outside of this SOP, I can't
6	difficult to meet if they are viewed as a	6	speak to if there was anything written.
7	continuing continuous process. The	7	Q. Right. There might be some phantom
8	following steps will help."	8	document that we don't know about?
	So that Paragraph C that we just read,		MR. BUSH: Objection.
9	it's fair to say, according to the CVS SOP,	9	BY MR. GOETZ:
	that that is one of the steps that needs to be	10	Q. But in this standard operating
11	followed to meet to make it easy to meet	11	procedure in 2007, it was not possible to use
12	the DEA requirements, correct?	12	this SOP the 2007 SOP to meet the DEA
13	MR. BUSH: Objection.	13	requirements in the facility to ensure
14	MR. GOETZ: I butchered that	14	continuous and complete adherence to all
15	question. I'll withdraw it.	15	requirements because they didn't exist,
16	BY MR. GOETZ:	16	correct?
17	Q. If you read Paragraph 2 on 66622	17	A. The written part of SOM didn't exist
18	A. Yes.	18	in this SOP.
19	Q that outlines, here are steps that	19	Q. So it was impossible to follow
20	will make it easy to meet the DEA	20	Paragraph C, correct?
21	requirements, correct?	21	A. Correct.
22	A. Yes.	22	Q. And it was impossible in 2008 to
23	Q. And Paragraph C is one of those steps,	23	follow Paragraph C, correct?
24	correct?	24	A. Correct.
	Page 179		Page 181
1	A. Yes.	1	Q. And it was impossible in 2009 to
2	Q. And Paragraph C talks about using the	2	follow Paragraph C, correct?
3	CVS standard operating procedures to ensure	3	A. Correct.
4	continuous and complete adherence to all DEA	4	Q. It was impossible at least through
5	requirements, correct?	5	August of 2010 to follow Paragraph C,
1 ~	requirements, correct.		rangust of zoro to romo w rangraph e,
6	A. Yes.	6	correct?
7	1	6 7	
	A. Yes. Q. Correct? A. Yes.		correct?
7	A. Yes.Q. Correct?A. Yes.Q. And would you agree with me that since	7	correct? A. Correct.
7 8	A. Yes.Q. Correct?A. Yes.Q. And would you agree with me that since there was no SOM until August of 2010, it was	7 8	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance
7 8 9	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard	7 8 9	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007?
7 8 9 10	A. Yes.Q. Correct?A. Yes.Q. And would you agree with me that since there was no SOM until August of 2010, it was	7 8 9 10	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance
7 8 9 10 11	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard	7 8 9 10 11	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006?
7 8 9 10 11 12	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM	7 8 9 10 11 12	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall.
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7 8 9 10 11 12 13	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM requirements to make it easy to meet the DEA requirements?	7 8 9 10 11 12 13	A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006? A. I don't recall. Q. What about 2008? A. I don't recall.
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7 8 9 10 11 12 13 14 15	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM requirements to make it easy to meet the DEA requirements? MR. BUSH: Objection. A. What is the question?	7 8 9 10 11 12 13 14 15	A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006? A. I don't recall. Q. What about 2008? A. I don't recall. Q. What about 2009? A. I don't recall. Q. What about 2009? A. I don't recall.
7 8 9 10 11 12 13 14 15 16	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM requirements to make it easy to meet the DEA requirements? MR. BUSH: Objection. A. What is the question? BY MR. GOETZ:	7 8 9 10 11 12 13 14 15 16	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006? A. I don't recall. Q. What about 2008? A. I don't recall. Q. What about 2009?
7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM requirements to make it easy to meet the DEA requirements? MR. BUSH: Objection. A. What is the question? BY MR. GOETZ: Q. In 2007, there were no SOM written	7 8 9 10 11 12 13 14 15 16 17	A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006? A. I don't recall. Q. What about 2008? A. I don't recall. Q. What about 2009? A. I don't recall. Q. What about 2009? A. I don't recall.
7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM requirements to make it easy to meet the DEA requirements? MR. BUSH: Objection. A. What is the question? BY MR. GOETZ: Q. In 2007, there were no SOM written requirements, correct?	7 8 9 10 11 12 13 14 15 16 17 18	A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006? A. I don't recall. Q. What about 2008? A. I don't recall. Q. What about 2009? A. I don't recall. Q. What about 2009? A. I don't recall. Q. '10?
7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM requirements to make it easy to meet the DEA requirements? MR. BUSH: Objection. A. What is the question? BY MR. GOETZ: Q. In 2007, there were no SOM written requirements, correct? A. I don't know if I can't answer	7 8 9 10 11 12 13 14 15 16 17 18 19 20	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006? A. I don't recall. Q. What about 2008? A. I don't recall. Q. What about 2009? A. I don't recall. Q. '10? A. I don't recall. Q. '11? A. I don't recall.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM requirements to make it easy to meet the DEA requirements? MR. BUSH: Objection. A. What is the question? BY MR. GOETZ: Q. In 2007, there were no SOM written requirements, correct? A. I don't know if I can't answer that. I don't know for sure.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006? A. I don't recall. Q. What about 2008? A. I don't recall. Q. What about 2009? A. I don't recall. Q. '10? A. I don't recall. Q. '11?
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Correct? A. Yes. Q. And would you agree with me that since there was no SOM until August of 2010, it was impossible for CVS to use the SOP, standard operating procedures, for the DEA SOM requirements to make it easy to meet the DEA requirements? MR. BUSH: Objection. A. What is the question? BY MR. GOETZ: Q. In 2007, there were no SOM written requirements, correct? A. I don't know if I can't answer that. I don't know for sure. Q. We established earlier that they	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	correct? A. Correct. Q. Could you turn to 6628, please? A. 28? Q. Yes. Who was the DC DEA Compliance Coordinator for Indianapolis in 2007? A. I don't recall. Q. What about 2006? A. I don't recall. Q. What about 2008? A. I don't recall. Q. What about 2009? A. I don't recall. Q. '10? A. I don't recall. Q. '11? A. I don't recall.

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	Page 182		Page 184
1	Q. Do you recall any year?	1	Q. What I don't know what that means.
2	A. For the compliance coordinator?	2	A. Like picking store orders.
3	Q. Yes.	3	Q. So the pharmacy manager would be a
4	A. I can't remember.	4	picker?
5	Q. The DC DEA Compliance Coordinator was	5	A. No, would oversee the pickers.
6	actually kind of anybody they chose to pick,	6	Q. Would they actually be a picker or
7	right, there were no requirements?	7	would they work in an office somewhere?
8	MR. BUSH: Objection.	8	A. I don't believe they would be a
9	A. I didn't pick them, so I can't speak	9	picker. I believe they would work in an
10	to it. I think in general it would usually be	10	office.
11	the pharmacy manager or supervisor, I would	11	Q. And how would they oversee a picker?
12	think.	12	Do you have any idea?
13	BY MR. GOETZ:	13	A. I do not have any idea.
14	Q. You don't know?	14	Q. Beyond what you've told me, do you
15	A. I don't know for certain.	15	have any idea what pharmacy store managers
16	Q. There was nothing written about how to	16	were doing from '08 to '14?
17	pick one, was there?	17	A. I can't answer that, no.
18	A. Not that I recall.	18	Q. No, you don't have any
19	Q. There were no requirements on what	19	A. No.
20	type of role they were fulfilling in addition	20	Q. Could you go to 66628, please?
21	to being the DC DEA Compliance Coordinator,	21	A. Uh-huh.
22	was there?	22	Q. And do you see where it says,
23	A. Not	23	Paragraph A, "Policy review and revision for
24	MR. BUSH: Objection.	24	administrative actions"?
	Page 183		Page 185
1	Page 183 A. Not that I recall.	1	Page 185 A. Uh-huh.
1 2	A. Not that I recall.	1 2	A. Uh-huh.
	A. Not that I recall. BY MR. GOETZ:		A. Uh-huh.Q. Could you read Paragraph A
2	A. Not that I recall.BY MR. GOETZ:Q. In fact, it was a tagalong position,	2	A. Uh-huh.Q. Could you read Paragraph AParagraph 1 into the record?
2 3	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they	2 3	A. Uh-huh.Q. Could you read Paragraph AParagraph 1 into the record?A. "The DC DEA Compliance Coordinator
2 3 4	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they	2 3 4	 A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved
2 3 4 5	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance	2 3 4 5	 A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances
2 3 4 5	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator?	2 3 4 5 6	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard
2 3 4 5 6 7	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection.	2 3 4 5 6 7	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and
2 3 4 5 6 7 8	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know	2 3 4 5 6 7 8	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the
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2 3 4 5 6 7 8 9 10 11 12 13 14	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know how they were chosen. Q. Do you know that the distribution centers chose them? A. I can't recall.	2 3 4 5 6 7 8 9 10 11 12 13	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the requirements of the CVS/DEA distributor standard operating procedures." Q. Again, there were no SOM in these standard operating procedures until August of 2010, correct, no suspicious order monitoring
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know how they were chosen. Q. Do you know that the distribution centers chose them? A. I can't recall. Q. Do you know if there's any corporate policy on how they were to be chosen? A. Not that I recall.	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the requirements of the CVS/DEA distributor standard operating procedures." Q. Again, there were no SOM in these standard operating procedures until August of 2010, correct, no suspicious order monitoring section? A. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know how they were chosen. Q. Do you know that the distribution centers chose them? A. I can't recall. Q. Do you know if there's any corporate policy on how they were to be chosen? A. Not that I recall. Q. When you said it was did you say it	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the requirements of the CVS/DEA distributor standard operating procedures." Q. Again, there were no SOM in these standard operating procedures until August of 2010, correct, no suspicious order monitoring section? A. Correct. Q. And so it would be impossible even
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know how they were chosen. Q. Do you know that the distribution centers chose them? A. I can't recall. Q. Do you know if there's any corporate policy on how they were to be chosen? A. Not that I recall. Q. When you said it was did you say it was usually the pharmacy manager? A. From what I can remember.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the requirements of the CVS/DEA distributor standard operating procedures." Q. Again, there were no SOM in these standard operating procedures until August of 2010, correct, no suspicious order monitoring section? A. Correct. Q. And so it would be impossible even though it's here in a big paragraph, it would be impossible to ensure that all CVS DC
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know how they were chosen. Q. Do you know that the distribution centers chose them? A. I can't recall. Q. Do you know if there's any corporate policy on how they were to be chosen? A. Not that I recall. Q. When you said it was did you say it was usually the pharmacy manager? A. From what I can remember. Q. And what what does the pharmacy	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the requirements of the CVS/DEA distributor standard operating procedures." Q. Again, there were no SOM in these standard operating procedures until August of 2010, correct, no suspicious order monitoring section? A. Correct. Q. And so it would be impossible even though it's here in a big paragraph, it would be impossible to ensure that all CVS DC personnel involved in the activity of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know how they were chosen. Q. Do you know that the distribution centers chose them? A. I can't recall. Q. Do you know if there's any corporate policy on how they were to be chosen? A. Not that I recall. Q. When you said it was did you say it was usually the pharmacy manager? A. From what I can remember. Q. And what what does the pharmacy manager do at the DC?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the requirements of the CVS/DEA distributor standard operating procedures." Q. Again, there were no SOM in these standard operating procedures until August of 2010, correct, no suspicious order monitoring section? A. Correct. Q. And so it would be impossible even though it's here in a big paragraph, it would be impossible to ensure that all CVS DC personnel involved in the activity of controlled substances read the suspicious
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know how they were chosen. Q. Do you know that the distribution centers chose them? A. I can't recall. Q. Do you know if there's any corporate policy on how they were to be chosen? A. Not that I recall. Q. When you said it was did you say it was usually the pharmacy manager? A. From what I can remember. Q. And what what does the pharmacy manager do at the DC? A. I don't know their specific job	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the requirements of the CVS/DEA distributor standard operating procedures." Q. Again, there were no SOM in these standard operating procedures until August of 2010, correct, no suspicious order monitoring section? A. Correct. Q. And so it would be impossible even though it's here in a big paragraph, it would be impossible to ensure that all CVS DC personnel involved in the activity of controlled substances read the suspicious order monitoring section of the SOP, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Not that I recall. BY MR. GOETZ: Q. In fact, it was a tagalong position, correct? It was just something that they had someone else was doing a job and they said, hey, you're now the DC DEA Compliance Coordinator? MR. BUSH: Objection. A. I can't speak to that. I don't know how they were chosen. Q. Do you know that the distribution centers chose them? A. I can't recall. Q. Do you know if there's any corporate policy on how they were to be chosen? A. Not that I recall. Q. When you said it was did you say it was usually the pharmacy manager? A. From what I can remember. Q. And what what does the pharmacy manager do at the DC?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Uh-huh. Q. Could you read Paragraph A Paragraph 1 into the record? A. "The DC DEA Compliance Coordinator will insure that all CVS DC personnel involved in the activities of controlled substances read the CVS/DEA distributor standard operating procedure at least once a year and receive the proper training in the requirements of the CVS/DEA distributor standard operating procedures." Q. Again, there were no SOM in these standard operating procedures until August of 2010, correct, no suspicious order monitoring section? A. Correct. Q. And so it would be impossible even though it's here in a big paragraph, it would be impossible to ensure that all CVS DC personnel involved in the activity of controlled substances read the suspicious

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1	Q. Correct?	1	A. 6628?
2	A. Correct.	2	Q. 66628, please.
3	Q. That would be impossible in 2008?	3	Do you see Paragraph 1?
4	A. Correct.	4	A. Uh-huh, yes.
5	Q. It would be impossible in 2009?	5	Q. Could you read that, please, into the
6	A. Correct.	6	record?
7	Q. It would be impossible in 2010 until	7	A. "The DC DEA Compliance Coordinator
8	August?	8	the pharmacy manager, and the operations
9	A. Correct.	9	manager are responsible for assuring that the
10	Q. An awful lot of the training, the	10	SOPs are implemented."
11	auditing for compliance, making sure people	11	Q. And again, as the CVS DEA director
12	comply, it was not possible in the DCs until	12	of I'm sorry, compliance coordinator, you
13	August of 2010 because there was no written	13	would agree that the SOPs contained no
14	SOM in the SOP; isn't that true?	14	suspicious order monitoring program until
15	MR. BUSH: Objection.	15	August of 2010, correct?
16	A. I can't speak to that.	16	A. I would agree that this SOP did not
17	BY MR. GOETZ:	17	contain an SOM portion.
18	Q. What have I what have we gone	18	Q. And we don't know of any other SOP,
19	through that could have been done before	19	correct?
20	August of 2010?	20	A. I do not know of.
21	A. I didn't oversee SOM, so I don't know	21	Q. Well, I
22	if there was something outside of this policy	22	MR. BUSH: That's all she can
23	that existed.	23	answer, is what she knows.
24	Q. As the CVS DEA Compliance Coordinator,	24	A. I can't I don't know.
	Q. As the CVS DLA compliance coordinator,		A. Teant I don't know.
	Page 187		Page 189
1	would it have been important for you to know	1	BY MR. GOETZ:
2	that?	2	Q. I also don't know.
3	A. No, because I didn't work with the SOM	3	You would agree that then the DC DEA
4	system.	4	Compliance Coordinator, the pharmacy manager
5	Q. As but again, we don't know who was	5	and the operations manager could not assure
6	the SOM DEA Compliance Coordinator for CVS, do	6	that the SOM SOP was implemented in 2007
7	we?	7	because there was none?
8	A. I can't say that I do.	8	A. There was no SOM SOP in here, portion,
9	Q. There was nobody that was ever listed	9	you mean?
10	in the document as an SOM DEA Compliance	10	Q. Right. There was none, correct?
11	Coordinator, was there?	11	MR. BUSH: In this document.
12	A. I don't think so no.	12	A. In this document, there was not.
13	Q. In fact, in every document given to	13	BY MR. GOETZ:
		14	Q. And none that we know of?
14	the DEA, it's you who's listed as the CVS DEA		
15	Compliance Coordinator, correct?	15	A. None that I can speak to.
15 16	Compliance Coordinator, correct? MR. BUSH: Objection.	15 16	Q. So in 2007, this was impossible,
15 16 17	Compliance Coordinator, correct? MR. BUSH: Objection. BY MR. GOETZ:	15 16 17	Q. So in 2007, this was impossible, correct, to assure compliance?
15 16	Compliance Coordinator, correct? MR. BUSH: Objection. BY MR. GOETZ: Q. Is that correct?	15 16	Q. So in 2007, this was impossible, correct, to assure compliance? MR. BUSH: Objection.
15 16 17	Compliance Coordinator, correct? MR. BUSH: Objection. BY MR. GOETZ: Q. Is that correct? A. I'm listed as the compliance	15 16 17	Q. So in 2007, this was impossible, correct, to assure compliance? MR. BUSH: Objection. BY MR. GOETZ:
15 16 17 18	Compliance Coordinator, correct? MR. BUSH: Objection. BY MR. GOETZ: Q. Is that correct? A. I'm listed as the compliance coordinator, yes.	15 16 17 18	Q. So in 2007, this was impossible, correct, to assure compliance? MR. BUSH: Objection. BY MR. GOETZ: Q. To assure that the SOP related to the
15 16 17 18 19	Compliance Coordinator, correct? MR. BUSH: Objection. BY MR. GOETZ: Q. Is that correct? A. I'm listed as the compliance coordinator, yes. Q. DEA Compliance Coordinator?	15 16 17 18 19	Q. So in 2007, this was impossible, correct, to assure compliance? MR. BUSH: Objection. BY MR. GOETZ:
15 16 17 18 19 20	Compliance Coordinator, correct? MR. BUSH: Objection. BY MR. GOETZ: Q. Is that correct? A. I'm listed as the compliance coordinator, yes. Q. DEA Compliance Coordinator? A. DEA Compliance Coordinator.	15 16 17 18 19 20	Q. So in 2007, this was impossible, correct, to assure compliance? MR. BUSH: Objection. BY MR. GOETZ: Q. To assure that the SOP related to the
15 16 17 18 19 20 21	Compliance Coordinator, correct? MR. BUSH: Objection. BY MR. GOETZ: Q. Is that correct? A. I'm listed as the compliance coordinator, yes. Q. DEA Compliance Coordinator?	15 16 17 18 19 20 21	Q. So in 2007, this was impossible, correct, to assure compliance? MR. BUSH: Objection. BY MR. GOETZ: Q. To assure that the SOP related to the SOM was implemented?

1 2 3			
2	Page 190		Page 192
	Q. 2008, impossible?	1	Q. We haven't seen anything in here where
3	A. With this SOP.	2	they could do any compliance audits, correct?
1	Q. 2009?	3	Everything we've read, it wouldn't be
4	A. With this SOP, yes.	4	possible, correct, because there was no
5	Q. All the way through August of 2010,	5	document to audit it against?
6	impossible?	6	A. From what I know in this SOP, there's
7	A. With this SOP, yes.	7	nothing written.
8	Q. Assuming that we don't discover some	8	Q. Okay. Does that concern you?
9	other SOP containing an SOM pre-August of	9	A. I'm not familiar enough to know, with
10	2010, would you agree it's impossible? You	10	the system, if what was in place at that time.
11	keep saying, "With this SOP."	11	Q. Okay.
12	A. If you don't find yes, if we don't	12	A. But as it refers to the SOP, there's
13	have an SOP.	13	nothing written.
14	Q. Right.	14	Q. If you if you take assume that
15	A. (Witness nodding.)	15	there's nothing else besides this document
16	Q. And you have no evidence that you do	16	before August of 2010, does that concern you?
17	have one?	17	A. I don't know if it concerns me at this
18	A. I do not have one. I wasn't	18	point in time.
19	responsible for the program.	19	Q. I'm sorry?
20	Q. Can you go to staff training Paragraph	20	A. At today's point in time, I don't know
21	4 of that, please? Could you read that,	21	enough to say if it would have concerned me
22	please?	22	that there wasn't a written document.
23	A. "It is CVS's intention that the	23	Q. You looked at a bunch of charts
24	training will be ongoing and continual. There	24	earlier, right, about the opioid crisis
	Page 191		Page 193
1	will be no exceptions to the training	1	A. Uh-huh.
2	requirement."	2	Q all encompassing this time period,
3	Q. You would agree with me that it was	3	correct?
4	impossible to do any training as it relates to	4	
_	-		WIK. BUSH: WEIL ODIECTION.
5	the SON, suspicious ofder monitoring, in 2007?	5	MR. BUSH: Well, objection. A. I believe it was during this time
5	the SOM, suspicious order monitoring, in 2007? A. As it refers to the SOP, ves.	5	A. I believe it was during this time
	A. As it refers to the SOP, yes.		A. I believe it was during this time period, yes.
6	A. As it refers to the SOP, yes.Q. Impossible in 2008 to do any training	6	A. I believe it was during this time period, yes. BY MR. GOETZ:
6 7	A. As it refers to the SOP, yes.Q. Impossible in 2008 to do any training on this suspicious order monitoring?	6 7	A. I believe it was during this time period, yes.BY MR. GOETZ:Q. And you testified that you were aware
6 7 8	A. As it refers to the SOP, yes.Q. Impossible in 2008 to do any training on this suspicious order monitoring?A. With a written portion in this SOP,	6 7 8	A. I believe it was during this time period, yes.BY MR. GOETZ:Q. And you testified that you were aware of the opioid crisis at least ten years ago,
6 7 8 9	A. As it refers to the SOP, yes.Q. Impossible in 2008 to do any training on this suspicious order monitoring?A. With a written portion in this SOP, yes.	6 7 8 9	A. I believe it was during this time period, yes.BY MR. GOETZ:Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct?
6 7 8 9 10	 A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? 	6 7 8 9 10	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes.
6 7 8 9 10	 A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this 	6 7 8 9 10 11	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid
6 7 8 9 10 11 12	 A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. 	6 7 8 9 10 11 12	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance
6 7 8 9 10 11 12 13	 A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August 	6 7 8 9 10 11 12	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what
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6 7 8 9 10 11 12 13 14	 A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August of 2010? A. For a written portion in this SOP, 	6 7 8 9 10 11 12 13 14	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what I'm telling you, there was no other document before August of 2010, does it worry you that
6 7 8 9 10 11 12 13 14 15	A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August of 2010? A. For a written portion in this SOP, yes.	6 7 8 9 10 11 12 13 14 15	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what I'm telling you, there was no other document before August of 2010, does it worry you that there was no ability to audit DEA compliance
6 7 8 9 10 11 12 13 14 15 16 17 18	 A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August of 2010? A. For a written portion in this SOP, yes. Q. As the DEA Compliance Coordinator, 	6 7 8 9 10 11 12 13 14 15 16 17	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what I'm telling you, there was no other document before August of 2010, does it worry you that there was no ability to audit DEA compliance as it relates to the suspicious order
6 7 8 9 10 11 12 13 14 15 16 17 18	A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August of 2010? A. For a written portion in this SOP, yes. Q. As the DEA Compliance Coordinator, sitting here today, does it concern you that	6 7 8 9 10 11 12 13 14 15 16	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what I'm telling you, there was no other document before August of 2010, does it worry you that there was no ability to audit DEA compliance as it relates to the suspicious order monitoring?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August of 2010? A. For a written portion in this SOP, yes. Q. As the DEA Compliance Coordinator, sitting here today, does it concern you that at least from January 1 of '06 until August of	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what I'm telling you, there was no other document before August of 2010, does it worry you that there was no ability to audit DEA compliance as it relates to the suspicious order monitoring? MR. BUSH: Objection.
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August of 2010? A. For a written portion in this SOP, yes. Q. As the DEA Compliance Coordinator, sitting here today, does it concern you that at least from January 1 of '06 until August of 2010 it was impossible to audit the suspicious	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what I'm telling you, there was no other document before August of 2010, does it worry you that there was no ability to audit DEA compliance as it relates to the suspicious order monitoring? MR. BUSH: Objection. A. Does it concern me?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August of 2010? A. For a written portion in this SOP, yes. Q. As the DEA Compliance Coordinator, sitting here today, does it concern you that at least from January 1 of '06 until August of 2010 it was impossible to audit the suspicious order monitoring system?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what I'm telling you, there was no other document before August of 2010, does it worry you that there was no ability to audit DEA compliance as it relates to the suspicious order monitoring? MR. BUSH: Objection. A. Does it concern me? BY MR. GOETZ:
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. As it refers to the SOP, yes. Q. Impossible in 2008 to do any training on this suspicious order monitoring? A. With a written portion in this SOP, yes. Q. Impossible in 2009? A. For a written portion, yes, in this SOP. Q. And impossible at least until August of 2010? A. For a written portion in this SOP, yes. Q. As the DEA Compliance Coordinator, sitting here today, does it concern you that at least from January 1 of '06 until August of 2010 it was impossible to audit the suspicious	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I believe it was during this time period, yes. BY MR. GOETZ: Q. And you testified that you were aware of the opioid crisis at least ten years ago, correct? A. Yes. Q. And so being aware of the opioid crisis and being the DEA Compliance Coordinator and if you assume and accept what I'm telling you, there was no other document before August of 2010, does it worry you that there was no ability to audit DEA compliance as it relates to the suspicious order monitoring? MR. BUSH: Objection. A. Does it concern me?

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1	don't know.	1	Q. Will that be the same all the way
2	Q. Does it assuming all of those	2	through '14?
3	former things are true, does it concern you	3	A. Yeah.
4	that there was no written policy so that you	4	Q. And yet, we agreed earlier that the
5	could do staff training as it relates to	5	entirety of this document and the entirety of
6	suspicious order monitoring?	6	the DEA, as it relates to controlled
7	MR. BUSH: Objection.	7	substances, is to prevent diversion?
8	A. I don't know what was available.	8	A. Uh-huh.
9	BY MR. GOETZ:	9	Q. And to make sure we have adequate
10	Q. Assuming that there wasn't.	10	supply, correct?
11	MR. BUSH: Objection.	11	A. Correct.
12	BY MR. GOETZ:	12	Q. Is that correct?
13	Q. I'm sorry, did you answer?	13	A. Yes.
14	A. No. I don't know what's available for	14	Q. And a huge portion of preventing
15	training.	15	diversion is this suspicious order monitoring
16	Q. Okay. Assuming that we haven't seen	16	program, correct?
17	any I'm telling you there wasn't any before	17	MR. BUSH: Objection.
18	August of 2010 understanding there was an	18	A. I a huge portion? I don't know if
19	opioid crisis, at least according to your	19	I could specifically say it's a huge
20	testimony that you were aware of going back to	20	portion.
21	August of or 2008 you were the DEA	21	Q. Significant portion?
22	Compliance Coordinator does it concern you	22	MR. BUSH: Objection.
23	that there was no documents upon which to	23	BY MR. GOETZ:
24	train staff about suspicious order	24	Q. Strike that.
	train starr about suspicious order		Q. Suike that.
	Page 195		Page 197
1	monitoring?	1	What is the importance of a suspicious
1 2	_	1 2	
	monitoring?		What is the importance of a suspicious
2	monitoring? MR. BUSH: Objection.	2	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it?
2 3	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me.	2 3	What is the importance of a suspicious order monitoring program in preventing diversion?
2 3 4	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ:	2 3 4	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it?
2 3 4 5	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't	2 3 4 5	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How
2 3 4 5 6	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't know if it concerns you today	2 3 4 5 6	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How important is it?
2 3 4 5 6 7	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't know if it concerns you today A. Yes.	2 3 4 5 6 7	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How important is it? A. How do I feel how important it is?
2 3 4 5 6 7 8	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't know if it concerns you today A. Yes. Q or you don't know if it would have	2 3 4 5 6 7 8	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How important is it? A. How do I feel how important it is? Q. Uh-huh.
2 3 4 5 6 7 8	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't know if it concerns you today A. Yes. Q or you don't know if it would have concerned you in 2008? A. Today.	2 3 4 5 6 7 8	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How important is it? A. How do I feel how important it is? Q. Uh-huh. MR. BUSH: Are you talking
2 3 4 5 6 7 8 9	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't know if it concerns you today A. Yes. Q or you don't know if it would have concerned you in 2008? A. Today.	2 3 4 5 6 7 8 9	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How important is it? A. How do I feel how important it is? Q. Uh-huh. MR. BUSH: Are you talking THE WITNESS: Personally how
2 3 4 5 6 7 8 9 10	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't know if it concerns you today A. Yes. Q or you don't know if it would have concerned you in 2008? A. Today. Q. What about in 2008, had you known that?	2 3 4 5 6 7 8 9 10	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How important is it? A. How do I feel how important it is? Q. Uh-huh. MR. BUSH: Are you talking THE WITNESS: Personally how important?
2 3 4 5 6 7 8 9 10 11 12	monitoring? MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't know if it concerns you today A. Yes. Q or you don't know if it would have concerned you in 2008? A. Today. Q. What about in 2008, had you known that? A. I don't recall what I remember about	2 3 4 5 6 7 8 9 10 11	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How important is it? A. How do I feel how important it is? Q. Uh-huh. MR. BUSH: Are you talking THE WITNESS: Personally how important? MR. BUSH: I don't no. Just are you talking about at CVS or generally?
2 3 4 5 6 7 8 9 10 11 12 13	MR. BUSH: Objection. A. I don't know if it concerns me. BY MR. GOETZ: Q. Are you saying it does you don't know if it concerns you today A. Yes. Q or you don't know if it would have concerned you in 2008? A. Today. Q. What about in 2008, had you known that? A. I don't recall what I remember about SOM in 2008, so I don't I can't say if it	2 3 4 5 6 7 8 9 10 11 12	What is the importance of a suspicious order monitoring program in preventing diversion? A. What is the purpose of it? Q. No. What's the importance? How important is it? A. How do I feel how important it is? Q. Uh-huh. MR. BUSH: Are you talking THE WITNESS: Personally how important? MR. BUSH: I don't no. Just are you talking about at CVS or generally? THE WITNESS: Right. Thank you.
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1	whole world or you could be asking how	1	policy is important in preventing diversion,
2	important was it for CVS to have it. That was	2	understanding that you were aware of the
3	the distinction I was making. It doesn't have	3	opioid crisis at least until 2008, and
4	to do whether she's a 30(b)(6), but I've	4	understanding that you were the CVS DEA
5	already spoken too much.	5	Compliance Coordinator, does it concern you
6	BY MR. GOETZ:	6	that you had no written policy such that you
7	Q. Do you remember the question?	7	couldn't audit it and then you couldn't
8	A. How important is suspicious order	8	correct any deficiencies as it related to your
9	monitoring?	9	suspicious order monitoring?
10	Q. Yes.	10	MR. BUSH: Objection.
11	A. I don't know if I could put a weight	11	A. Yeah, I don't know if I can answer
12	on it. I've never thought about it in those	12	that, like, for that point in time because I
13	terms.	13	wouldn't have been looking at it to audit it.
14	Q. It's critical in preventing diversion,	14	It didn't fall under my responsibility as far
15	do you not agree with that?	15	as managing the program.
16	MR. BUSH: Objection.	16	Q. I hate to keep doing this, but you
17	A. I believe it plays a piece in	17	unless you tell me there's somebody else,
18	identifying diversion.	18	you're responsible for assuring compliance
19	BY MR. GOETZ:	19	with applicable CSA requirements implemented
20	Q. From a distribution perspective, okay,	20	by each CVS distribution center.
21	from a distribution perspective, what else	21	And if they don't have a written SOM,
22	plays a piece?	22	how can we assure compliance?
23	MR. BUSH: Objection.	23	MR. BUSH: Objection.
24	A. Yeah, I can't speak to what else plays	24	A. I don't know what else was available
	Page 199		Page 201
1	a piece in the distribution. There could be	1	for SOM.
2	multiple factors that play pieces.	2	Q. Again, we're you don't know of
3	BY MR. GOETZ:	3	anything else available?
4	Q. As the CVS DEA Compliance Coordinator,	4	A. Yes.
5	are you aware of any other system other than a	5	Q. Okay. How long have we been at
6	suspicious order monitoring system that	6	this?
7	prevents diversion?	7	MR. BUSH: I don't know. We've
8	MR. BUSH: Objection.	8	got
9	A. At CVS?	9	THE VIDEOGRAPHER: An hour and
10	BY MR. GOETZ:	10	eight minutes.
11	Q. Yes, or anywhere. Tell me anywhere.	11	MR. GOETZ: Let's take a
12	A. Oh, I don't know.	12	break.
13	Q. What about at CVS?	13	THE VIDEOGRAPHER: The time is
14	A. I don't know. I don't think so. I	14	1:48 p.m. We're off the record.
15	think it's just SOM.	15	p.m e te off the feeded.
16	Q. Right. So SOM is we can agree it's	16	(Recess taken from 1:48 p.m.
17	critical. You can't think of anything else.	17	to 2:04 p.m.)
18	We can at least agree it's critical?	18	2.0 · p.i.i.)
19	A. It's important.	19	THE VIDEOGRAPHER: The time is
20	MR. BUSH: Objection.	20	2:04 p.m. and we're on the record.
21	BY MR. GOETZ:	21	2.04 p.m. and we to on the record.
22	Q. It's important?	22	CONTINUED DIRECT EXAMINATION
23	_	23	BY MR. BAKER:
24	A. (Witness nodding.)	24	
4	Q. Okay. Understanding that an SOM	24	Q. Ms. Propatier, Bill Baker back asking

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	Page 202		Page 204
1	you questions.	1	BY MR. BAKER:
2	Are you familiar with the term	2	Q. It's Exhibit 53 and it's Bates number
3	"Outside vendors"?	3	33579, correct, at the bottom?
4	A. Yes.	4	A. Yes.
5	Q. Outside vendors means that well,	5	Q. And it is an e-mail dated 10/8/2012
6	let's take some history.	6	from Pamela Hinkle to Aaron Burtner.
7	CVS distribution centers distribute	7	Do you see that?
8	or distributed Schedule III through Schedule V	8	A. Yes.
9	drugs to CVS retail pharmacies, correct?	9	Q. And this says, "Regarding conference
10	A. Yes.	10	call notes, 10/5/12."
11	Q. CVS distribution centers never	11	Do you see that?
12	distributed or housed Schedule II drugs. That	12	A. Conference call notes, 10/5 yes.
13	was always something that was purchased from	13	Q. Do you know Pamela Hinkle?
14	outside vendors by the retail stores, correct?	14	A. Yes, I know Pam.
15	A. Correct.	15	Q. Who is Pamela Hinkle?
16	Q. And with respect to the suspicious	16	A. In 2012?
17	order monitoring policy that was first	17	Q. Yes, ma'am.
18	inserted by you into the SOP, which was August	18	A. She worked in loss prevention.
19	25, 2010, that dealt with the suspicious order	19	MR. BUSH: Wait for
20	monitoring of Schedule III narcotics that were	20	A. Sorry, she was based in Tennessee.
21	distributed and supplied out of the CVS	21	MR. BUSH: I was asking him to
22	distribution centers to the CVS retail	22	let you finish your answer.
23	pharmacies; is that correct?	23	BY MR. BAKER:
24	A. Yes, III through V.	24	Q. I'm sorry if I overstepped your
	·		
1	Page 203	1	Page 205
1	Q. To the extent that CVS retail	1	answer.
2	pharmacies also purchased either Schedule III	2	A. That's okay.
3	narcotics or Schedule II narcotics from	3	Q. So who was Pamela Hinkle?
4	outside vendors, that would not be something	4	A. She worked in loss prevention out of
5	that CVS Pharmacy or CVS distribution centers	5	Tennessee.
6	would be able to monitor; is that correct?	6	Q. Who was Aaron Burtner at that time?
7	MR. BUSH: Objection.	7	A. I know the name Aaron, but I don't
8	A. From what I know, I wouldn't think so	8	know I don't know the specifics about
9	by.	9	Aaron.
10	BY MR. BAKER:	10	Q. Would you turn to the next page? Do
11	Q. In fact, that's something that they	11	you see at the bottom there it says we'll
12	don't monitor; is that right?	12	highlight this if you would, technology
13	MR. BUSH: Objection.	13	"All orders," where it says now this
14	A. Yeah I don't believe so, no.	14	taken in context, is an AGI CVS discussion on
15	BY MR. BAKER:	15	10/5/12; is that correct?
16	Q. Okay. Let me show you what is marked	16	A. Yes, that's what it says.
17	as Exhibit 53.	17	MR. BUSH: This does not reflect
18		18	she participated in it, correct?
19	(Exhibit No. 53 marked for	19	THE WITNESS: Correct.
20	identification.)	20	MR. BAKER: I'm sorry?
21		21	MR. BUSH: I mean, I'm just
22	MR. BUSH: I'm sorry, you said	22	noting she's not on this list.
23	this was 53?	23	THE WITNESS: No.
0.4			
24	MR. BAKER: Yes, sir.	24	MR. BAKER: No.

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1	BY MR. BAKER:	1	BY MR. BAKER:
2	Q. This is for pharmacy DC ordering	2	Q. Because you can't speak to it, that
3	process, conference call recap, correct, at	3	doesn't give you any reason at all to disagree
4	the top?	4	with it, correct?
5	A. Yes, that's what it says.	5	·
6	-	6	MR. BUSH: Objection.
7	Q. And it says here, "All orders generated from outside vendors are not pushed	7	A. It also doesn't give me reason to
8	through the SOM process," correct?	8	agree with it. BY MR. BAKER:
9		9	
10	A. That's what it says.	10	Q. So you can neither agree nor
	Q. And that would be an accurate	11	disagree?
11	statement, that at no time have outside vendor	12	A. Correct.
	orders for CVS retail pharmacies been pushed		Q. But you will agree that this is a CVS
13	through the SOM process that CVS had in place;	13	document that does say that as of October 5,
14	is that correct?	14	2012, all orders generated from outside
15	MR. BUSH: Objection.	15	vendors are not pushed through the SOM
16	A. I cannot speak to that.	16	process? You would agree with that,
17	BY MR. BAKER:	17	correct?
18	Q. Well, as of 2012, this document	18	A. I can agree that this says that.
19	clearly indicates that all orders generated	19	Q. And you did not know the process to be
20	from outside vendors are not pushed through	20	any different than what is stated on this
21	the SOM process, correct?	21	document; is that correct?
22	A. This line says all orders generated	22	A. I cannot speak to the process.
23	from outside vendors have not pushed through	23	Q. Because you can't speak to the
24	SOM, but I	24	process, you can't speak to the process as
	Page 207		D 200
	rage 207		Page 209
1	Q. That would be as late as October 5,	1	being any different than what's stated on the
1 2	_	1 2	
	Q. That would be as late as October 5,		being any different than what's stated on the
2	Q. That would be as late as October 5, 2012, that was still an issue, correct?	2	being any different than what's stated on the document, correct?
2 3	Q. That would be as late as October 5,2012, that was still an issue, correct?A. I can't speak	2 3	being any different than what's stated on the document, correct? A. Yeah, I cannot speak to it either way.
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1	Daga 210		Daga 212
1	Page 210 wasn't I wasn't involved in the SOM	1	Page 212
2		2	future, is it not, logistics planning?
3	management. BY MR. BAKER:	3	MR. BUSH: Objection.
			A. I cannot speak to this.
4	Q. Let me show you what's marked as	4	BY MR. BAKER:
5	Exhibit No. 45.	5	Q. At the time this document was written
6	(F. 131; N. 45, 1, 16	6	though, there was not already in place a
7	(Exhibit No. 45 marked for	7	suspicious order monitoring system by CVS for
8	identification.)	8	outside vendors; is that correct?
9	DV MD DAVED	9	MR. BUSH: Objection.
10	BY MR. BAKER:	10	A. I can't speak to that. I don't know.
11	Q. Now, this is a document dated	11	BY MR. BAKER:
12	5/8/2013, Bates number 22896, an e-mail from	12	Q. I'll hand you that. So hand it to the
13	Dean Vanelli to Christopher Tulley regarding a	13	court reporter, please?
14	staff meeting update and logistics planning.	14	A. Do you want this back?
15	Do you know Dean Vanelli?	15	Q. Yes, please, ma'am.
16	A. Yes, I do.	16	Let's go to Exhibit 104.
17	Q. Who was he at the time of this e-mail?	17	
18	A. He was the director in logistics	18	(Exhibit No. 104 marked for
19	planning.	19	identification.)
20	Q. And who was Christopher Tulley at the	20	
21	time of this e-mail?	21	MR. BUSH: Guys, could we go off
22	A. Christopher Tulley worked in	22	the record for one second? I just got a phone
23	logistics, I believe, as a project manager.	23	call that I really need to take.
24	Q. May I see the copy that I've just	24	MR. BAKER: Yes, no problem.
	Page 211		Page 213
1	handed you, please, ma'am?	1	THE VIDEOGRAPHER: The time is
2	A. Yes.	2	2:14 p.m. and we're off the record.
3	Q. I'll give you another copy.	3	
4	MR. BUSH: A better copy.	4	(Recess was taken from 2:14 p.m.
5	BY MR. BAKER:	5	to 2:16 p.m.)
6	Q. If you would, under the suspicious	6	
7	order monitoring page, page 2 of the document,	7	THE VIDEOGRAPHER: The time is
8	at the top, if you would highlight the fifth	8	
1	at the top, if you would highlight the fifth	1	2:16 p.m. and we're on the record.
9	bullet down, about SOM process.	9	2:16 p.m. and we're on the record. BY MR. BAKER:
9 10		9	-
	bullet down, about SOM process.		BY MR. BAKER:
10	bullet down, about SOM process. Now, if you go back to the beginning	10	BY MR. BAKER: Q. Yes. I'm showing you right now
10 11	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics	10 11	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It
10 11 12	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics planning document dated May 13, 2013,	10 11 12	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It is an e-mail, 1/18/2013, of Mr. Craig Schiavo
10 11 12 13	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics planning document dated May 13, 2013, correct?	10 11 12 13	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It is an e-mail, 1/18/2013, of Mr. Craig Schiavo to Mr. Tom Bourque.
10 11 12 13 14	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics planning document dated May 13, 2013, correct? A. Yes.	10 11 12 13 14	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It is an e-mail, 1/18/2013, of Mr. Craig Schiavo to Mr. Tom Bourque. Who was Craig Schiavo at the time of
10 11 12 13 14 15	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics planning document dated May 13, 2013, correct? A. Yes. Q. And if you page in to that document,	10 11 12 13 14 15	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It is an e-mail, 1/18/2013, of Mr. Craig Schiavo to Mr. Tom Bourque. Who was Craig Schiavo at the time of this e-mail?
10 11 12 13 14 15	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics planning document dated May 13, 2013, correct? A. Yes. Q. And if you page in to that document, it shows that the SOM process will include	10 11 12 13 14 15	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It is an e-mail, 1/18/2013, of Mr. Craig Schiavo to Mr. Tom Bourque. Who was Craig Schiavo at the time of this e-mail? A. I believe Craig worked in compliance.
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10 11 12 13 14 15 16 17 18	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics planning document dated May 13, 2013, correct? A. Yes. Q. And if you page in to that document, it shows that the SOM process will include store controlled-substance orders placed with CVS warehouses and outside vendors, Cardinal and McKesson, as well as store orders of DEA listed chemicals, which is PSEE acetone,	10 11 12 13 14 15 16 17 18	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It is an e-mail, 1/18/2013, of Mr. Craig Schiavo to Mr. Tom Bourque. Who was Craig Schiavo at the time of this e-mail? A. I believe Craig worked in compliance. Q. And who was Tom Bourque at the time of this e-mail? A. I believe he was the director in compliance.
10 11 12 13 14 15 16 17 18 19	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics planning document dated May 13, 2013, correct? A. Yes. Q. And if you page in to that document, it shows that the SOM process will include store controlled-substance orders placed with CVS warehouses and outside vendors, Cardinal and McKesson, as well as store orders of DEA listed chemicals, which is PSEE acetone, iodine, known meth precursors. That's what it	10 11 12 13 14 15 16 17 18 19	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It is an e-mail, 1/18/2013, of Mr. Craig Schiavo to Mr. Tom Bourque. Who was Craig Schiavo at the time of this e-mail? A. I believe Craig worked in compliance. Q. And who was Tom Bourque at the time of this e-mail? A. I believe he was the director in compliance. Q. The e-mail says if you would
10 11 12 13 14 15 16 17 18 19 20 21	bullet down, about SOM process. Now, if you go back to the beginning of this document, this document is a logistics planning document dated May 13, 2013, correct? A. Yes. Q. And if you page in to that document, it shows that the SOM process will include store controlled-substance orders placed with CVS warehouses and outside vendors, Cardinal and McKesson, as well as store orders of DEA listed chemicals, which is PSEE acetone,	10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BAKER: Q. Yes. I'm showing you right now Exhibit 104. It is Bates number 103329. It is an e-mail, 1/18/2013, of Mr. Craig Schiavo to Mr. Tom Bourque. Who was Craig Schiavo at the time of this e-mail? A. I believe Craig worked in compliance. Q. And who was Tom Bourque at the time of this e-mail? A. I believe he was the director in compliance.

	<u> </u>		
	Page 214		Page 216
1	bullets on the importance of including OV	1	process going on at that time?
2	orders in the SOM algorithm."	2	MR. BUSH: Objection.
3	That's what it says, correct?	3	A. No.
4	A. Correct.	4	BY MR. BAKER:
5	Q. OV orders means outside vendor orders,	5	Q. As DE as CVS DEA Compliance
6	correct?	6	Coordinator, you could not tell us what the
7	A. Correct.	7	role of dispensing data was as contained in
8	Q. It says, "Why it is needed: DEA know	8	the algorithm for suspicious order
9	your customer requirements," correct?	9	monitoring?
10	A. Correct.	10	MR. BUSH: Objection.
11	Q. And do you remember, earlier in your	11	A. No.
12	deposition today, when I asked had you	12	BY MR. BAKER:
13	familiarized yourself with the	13	Q. Okay. Would you agree that as CVS
14	know-your-customer requirement of the DEA? Do	14	DEA Compliance Coordinator, that CVS must
15	you remember that?	15	account for all controlled substances ordered
16	A. Yes.	16	inclusive of outside vendor orders?
17	Q. Okay. Do you remember your answer to	17	MR. BUSH: Objection.
18	that question?	18	A. Would I agree I'm sorry.
19	A. Yes. I believe I said I don't	19	Q. Would you agree, as CVS DEA Compliance
20	remember.	20	Coordinator, that CVS must account for all
21	Q. You weren't familiar with it?	21	controlled substances ordered by CVS
22	A. Yeah.	22	pharmacies inclusive of outside vendor
23	Q. Were you?	23	orders?
24	A. Yeah.	24	MR. BUSH: Objection.
	Page 215		Page 217
1	Q. But you know from reading this e-mail,	1	A. I don't know if I would agree with
2	at least that according to Mr. Schiavo	2	that.
3	within CVS, that including outside vendor	3	Q. Does this document indicate that CVS
4	orders in the SOM algorithm is needed in order	4	must account for all controlled substances
5	to meet the DEA know-your-customer	5	ordered, including outside vendor orders? Is
6	requirement, correct?	6	that what this document indicates?
7	MR. BUSH: Objection.	7	MR. BUSH: Objection.
8	A. I I don't know if I can say reading	8	A. His document states we must account
9	from this e-mail.	9	for all control substance ordered, so
10	Q. Well, that's what it says. It	10	according to Craig, yes.
11	says	11	BY MR. BAKER:
12	A. He says	12	Q. Okay. It also says that why it is
13	Q why it is needed because DEA	13	needed is to track all NDC numbers. Do you
14	know-your-customer requirements, correct?	14	know what NDC numbers are?
15	Doesn't it say that?	15	A. Yes, I know what a NDC is.
16	•	1,	Q. What is an NDC?
	A. Craig says it, correct.	16	Q. What is all MDC:
17	A. Craig says it, correct.Q. Okay. And it also says why it is	17	`
17 18	Q. Okay. And it also says why it is		A. The identifying number on the bottles.
	Q. Okay. And it also says why it is needed is "In order for dispensing data	17	A. The identifying number on the bottles.Q. Ordered by it says "To track all
18	Q. Okay. And it also says why it is	17 18	A. The identifying number on the bottles.Q. Ordered by it says "To track all NDC numbers ordered by store and have the
18 19	Q. Okay. And it also says why it is needed is "In order for dispensing data contained in the algorithm to be useful, we	17 18 19	A. The identifying number on the bottles. Q. Ordered by it says "To track all NDC numbers ordered by store and have the ability to add unknown first-time item orders
18 19 20	Q. Okay. And it also says why it is needed is "In order for dispensing data contained in the algorithm to be useful, we must account for all controlled substances ordered," correct?	17 18 19 20	A. The identifying number on the bottles. Q. Ordered by it says "To track all NDC numbers ordered by store and have the ability to add unknown first-time item orders into our SOM system," correct?
18 19 20 21	Q. Okay. And it also says why it is needed is "In order for dispensing data contained in the algorithm to be useful, we must account for all controlled substances ordered," correct? A. According to Craig's e-mail, yes.	17 18 19 20 21	A. The identifying number on the bottles. Q. Ordered by it says "To track all NDC numbers ordered by store and have the ability to add unknown first-time item orders into our SOM system," correct? A. That's what it says, yes.
18 19 20 21 22	Q. Okay. And it also says why it is needed is "In order for dispensing data contained in the algorithm to be useful, we must account for all controlled substances ordered," correct?	17 18 19 20 21 22	A. The identifying number on the bottles. Q. Ordered by it says "To track all NDC numbers ordered by store and have the ability to add unknown first-time item orders into our SOM system," correct?

	P 210	1	D 220
1	Page 218	1	Page 220
1	may order a little from both the outside	1	happened in the potential issues, if not
2	vendor and the distribution center to stay	2	accounted for in realtime.
3	under the radar," correct?	3	Could you highlight that last sentence
4	A. That's what it says, correct.	4	where it says, "Stores can place phone
5	Q. So let me give you an example	5	orders," then the two bullets below it?
6	hypothetically. So suppose you have a CVS	6	It says, "Stores can place phone
7	retail store that decides it wants to order	7	orders which have no visibility to until a
8	the pharmacist wants to order 30,000	8	later time," and then as a bullet, "currently
9	hydrocodone-combination pills from the	9	have a store which had a 68,000 hydrocodone
10	distribution center that CVS actually owns,	10	pill loss and was placing phone orders to
11	whether it be Indiana or Chemung, New York,	11	outside vendor." Isn't that what it says?
12	all right.	12	A. That's what it says.
13	In this hypothetical, let's suppose	13	Q. This is a CVS store, correct?
14	that 30,000 runs through the SOM system and is	14	A. That's what it says.
15	not flagged as an irregular order. Are you	15	Q. And when CVS pharmacies lose 68,000
16	with me so far?	16	hydrocodone pills, that's diversion, is it
17	A. Uh-huh.	17	not?
18	Q. And I want you to assume that when the	18	MR. BUSH: Objection.
19	pharmacist hangs up the phone, the pharmacist	19	A. I can't speak to that.
20	then orders 30,000 more from McKesson or	20	Q. That's classic diversion, is it not?
21	Cardinal of the same drug, high hydrocodone	21	MR. BUSH: Objection.
22	combination products.	22	A. I can't speak to that. I don't have
23	That's the premise of the hypothetical	23	enough information.
24	facts that I want you to assume. Are you with	24	BY MR. BAKER:
	Page 219		D _{0.00} - 201
			Patro 171
1	-	1	Page 221 O Did CVS corporate or CVS at any level
1 2	me so far?	1 2	Q. Did CVS corporate or CVS at any level,
2	me so far? A. I'm with you.	2	Q. Did CVS corporate or CVS at any level, distribution center, pharmacy or any level,
2 3	me so far? A. I'm with you. Q. The question is: If outside vendor	2	Q. Did CVS corporate or CVS at any level, distribution center, pharmacy or any level, report that loss of 68,000 hydrocodone pills
2 3 4	me so far? A. I'm with you. Q. The question is: If outside vendor orders of that store are not being monitored	2 3 4	Q. Did CVS corporate or CVS at any level, distribution center, pharmacy or any level, report that loss of 68,000 hydrocodone pills to the DEA, yes or no?
2 3 4 5	me so far? A. I'm with you. Q. The question is: If outside vendor orders of that store are not being monitored by CVS corporate or CVS distribution centers,	2 3 4 5	Q. Did CVS corporate or CVS at any level, distribution center, pharmacy or any level, report that loss of 68,000 hydrocodone pills to the DEA, yes or no? MR. BUSH: Objection.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. I'm with you. Q. The question is: If outside vendor orders of that store are not being monitored by CVS corporate or CVS distribution centers, then how would CVS monitor that extra 30,000 pills that are being ordered from an outside vendor by that pharmacy? MR. BUSH: Objection. A. I don't know. I can't speak to the system. Q. This system didn't monitor it at all, did it, the CVS's system? MR. BUSH: Objection. A. I don't know. BY MR. BAKER: Q. And when things like that aren't monitored, it can lead to diversion, can it not? MR. BUSH: Objection. A. I assume if something's not monitored it could.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Did CVS corporate or CVS at any level, distribution center, pharmacy or any level, report that loss of 68,000 hydrocodone pills to the DEA, yes or no? MR. BUSH: Objection. A. I don't know. I'm not familiar with it. BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, would you expect somebody within CVS to report that 68,000 hydrocodone pill loss to the DEA to be in compliance with the DEA regulations? MR. BUSH: Objection. A. I don't know. I don't know what the circumstances are regarding it. BY MR. BAKER: Q. 68 according to this document, ma'am, you're looking at 68,000 hydrocodone pills that were lost, correct? A. That's what this says, but I don't know what the circumstances are.

	3		
1	Page 222	1	Page 224
1	shape or form, correct?	1	BY MR. BAKER:
2	MR. BUSH: Objection.	2	Q. If this happened today and you were
3	A. I don't know.	3	the CVS DEA Compliance Coordinator, would you
4	Q. And as CVS DEA Compliance Coordinator,	4	report it to the DEA?
5	you don't know whether or not a 68,000	5	MR. BUSH: Objection.
6	hydrocodone pill loss should be reported to	6	A. I don't know the circumstances
7	the DEA?	7	surrounding it, if it's reportable or not.
8	A. I don't enough information	8	BY MR. BAKER:
9	MR. BUSH: Objection.	9	Q. A 68,000 hydrocodone pill loss,
10	A to to know.	10	irrespective of circumstances, if they remain
11	BY MR. BAKER:	11	lost and unaccounted for, that is something
12	Q. Well, in 2013, when this occurred,	12	that you should report to the DEA; am I
13		13	correct?
14	corporate headquarters?	14	MR. BUSH: Objection.
15	A. I was the CVS DEA Compliance	15	A. If I had the correct information and
16	Coordinator, yes.	16	knew what I was reporting, yes, potentially it
17	Q. And was this brought to your attention	17	would be reported. I don't know the
18	by anybody, that there was a 68,000	18	circumstances.
19	hydrocodone pill loss?	19	BY MR. BAKER:
20	A. Not that I recall.	20	Q. Who, if anybody, within CVS, CVS
21	MR. BUSH: Objection.	21	corporate, CVS Pharmacy, or any other portion
22	BY MR. BAKER:	22	of CVS, whether it be the distribution centers
23	Q. If this had been brought to your	23	or any other entity of CVS, reported this
24	attention, would you have reported it to the	24	68,000 hydrocodone pill lost to the DEA?
	Page 223		Page 225
1	DEA as CVS DEA Compliance Coordinator?	1	A. I do not know.
2	MR. BUSH: Objection.	2	MR. BUSH: Objection.
3	A. I don't know the circumstances.	3	BY MR. BAKER:
4	BY MR. BAKER:	4	Q. Let's go to the next numbered exhibit,
5	Q. If the pills remained unaccounted	5	No. 76.
6	for that means lost would you, as CVS	6	
7	DEA Compliance Coordinator, have an obligation	7	(Exhibit No. 76 marked for
8	to report that to the drug enforcement agency	8	identification.)
9	of the United States of America, yes or no?	9	,
10	MR. BUSH: Objection.	10	BY MR. BAKER:
11	A. My position at the time I didn't	11	Q. Now, do you remember, back when I
12	work with the stores directly.	12	showed you the logistics planning update,
13	BY MR. BAKER:	13	and there was consideration in the prior
14	Q. But you're the CVS DEA Compliance	14	document that is Exhibit No. 45 that May
15	Coordinator. If this had been brought to your	15	13, 2013, there was consideration for putting
16	attention and nobody else within CVS had	16	into the SOM into the future SOM, a process
17	reported it up until the time that you became	17	for monitoring outside vendor orders? Do you
18	knowledgeable of it, would you, in carrying	18	remember that?
19	out your duties as CVS DEA Compliance	19	A. Yes.
20	Coordinator, feel an obligation to report it	20	Q. Now, fast-forward to February 10 of
21	to the DEA, yes or no?	21	2014. And this is the document that you're
	to the Perit, jet of Ho.		
22		22	looking at right now marked Evhibit No. 76
	MR. BUSH: Objection.	22	looking at right now, marked Exhibit No. 76, that begins with Bates number 59258 through
22 23 24		22 23 24	looking at right now, marked Exhibit No. 76, that begins with Bates number 59258 through Bates number 59260, correct?

		Т	
1	Page 226	1	Page 22
	A. Yes.		A. Correct.
2	Q. Turn to page 2 of that document,	2	Q. Okay. And you're familiar with the
3	because this is a string of e-mails. I'd like	3	fact that in 2014 there was an update of the
4	you to go down to the bottom of page 2, and	4	SOM inserted into the SOP once again; is the
5	the top of page 3, okay?	5	correct?
6	At the bottom of page 2, it says from	6	MR. BUSH: February of '14.
7	Caitlyn Batty, B-a-t-t-y, to Dean Vanelli,	7	A. February of 2014?
8	Craig Schiavo, Noah Zimmerman, and Amy	8	BY MR. BAKER:
9	Propatier. That's you, right?	9	Q. Yes, ma'am.
0	A. Uh-huh.	10	That's what this is discussing and
1	Q. Yes?	11	that's what's being done, right?
2	A. Yes.	12	A. I don't recall it.
3	Q. February 5, 2014, "I think the SOP	13	Q. At the time were you CVS DEA
4	looks good. I just had a couple of comments.	14	Compliance Coordinator or not?
5	Please see attached."	15	A. At this time I was transitioning to
6	That's what it says, correct?	16	another position.
7	MR. BUSH: I think you misspoke	17	Q. Well, you're included on the e-mail?
8	about who that's from. You said from Batty.	18	A. Yes, I'm on the e-mail.
9	It's from Vanelli, right?	19	Q. So if you're included on the e-mail,
0	THE WITNESS: This one,	20	you presume that you're familiar with it,
1	Caitlyn.	21	right?
2	MR. BAKER: No. It's from	22	A. Yes.
3	Caitlyn Batty. I'm looking right here.	23	MR. BUSH: Objection.
4	MR. BUSH: Maybe I'm on the	24	A. I don't recall this e-mail.
	Page 227		Page 22
1	wrong page.	1	BY MR. BAKER:
2	THE WITNESS: Second page.	2	Q. But did you review the SOM that was to
3	MR. BUSH: I've got it. I'm	3	be inserted into the SOP on an updated basis
4	sorry, I apologize.	4	in February of 2014 as reflected in this
5	BY MR. BAKER:	5	e-mail?
_	BT WIR. BTHEEK.		
6	O I stated it correctly. This is from	6	
	Q. I stated it correctly. This is from	6	A. I don't recall.
7	Caitlyn Batty to Dean Vanelli, Craig Schiavo,	7	A. I don't recall.Q. Well, then let's take a look. If you
7 8	Caitlyn Batty to Dean Vanelli, Craig Schiavo, Noah Zimmerman, and Amy Propatier. That's	7 8	A. I don't recall.Q. Well, then let's take a look. If you continue down the bottom of the page, it
7 8 9	Caitlyn Batty to Dean Vanelli, Craig Schiavo, Noah Zimmerman, and Amy Propatier. That's you, correct?	7 8 9	A. I don't recall. Q. Well, then let's take a look. If you continue down the bottom of the page, it says there's an e-mail sent from Dean
7 8 9 0	Caitlyn Batty to Dean Vanelli, Craig Schiavo, Noah Zimmerman, and Amy Propatier. That's you, correct? A. Correct.	7 8 9 10	A. I don't recall. Q. Well, then let's take a look. If you continue down the bottom of the page, it says there's an e-mail sent from Dean Vanelli to Craig Schiavo, Noah Zimmerman, and
7 8 9 0	Caitlyn Batty to Dean Vanelli, Craig Schiavo, Noah Zimmerman, and Amy Propatier. That's you, correct? A. Correct. Q. And this is February 5, 2014, correct?	7 8 9 10 11	A. I don't recall. Q. Well, then let's take a look. If you continue down the bottom of the page, it says there's an e-mail sent from Dean Vanelli to Craig Schiavo, Noah Zimmerman, at Amy Propatier, which is you, correct?
7 8 9 0 1 2	Caitlyn Batty to Dean Vanelli, Craig Schiavo, Noah Zimmerman, and Amy Propatier. That's you, correct? A. Correct. Q. And this is February 5, 2014, correct? A. Correct.	7 8 9 10 11 12	A. I don't recall. Q. Well, then let's take a look. If you continue down the bottom of the page, it says there's an e-mail sent from Dean Vanelli to Craig Schiavo, Noah Zimmerman, at Amy Propatier, which is you, correct? A. Correct.
7 8 9 0 1 2	Caitlyn Batty to Dean Vanelli, Craig Schiavo, Noah Zimmerman, and Amy Propatier. That's you, correct? A. Correct. Q. And this is February 5, 2014, correct? A. Correct. Q. And what you're discussing here,	7 8 9 10 11 12 13	A. I don't recall. Q. Well, then let's take a look. If you continue down the bottom of the page, it says there's an e-mail sent from Dean Vanelli to Craig Schiavo, Noah Zimmerman, at Amy Propatier, which is you, correct? A. Correct. Q. And it's regarding SOM SOP for posting
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	Page 230	T	Page 232
1	correct?	1	
2		2	Q. When did you take the last name Propatier?
3	A. That's what it says.Q. And this is something that you were	3	A. May of 2008.
4	a party to this e-mail; is that correct?	4	•
5	A. I don't recall this e-mail.	5	Q. So any time in these e-mails we see
6	Q. Well, aren't you a party on the	6	the name Amy Lynn Brown up to that date, it's
7	e-mail, Ms. Amy Propatier?	7	you. And then after that date, it's Amy Propatier, correct?
8	A. I'm on the e-mail.	8	A. Correct.
9		9	
10	Q. At the time were you DEA Compliance Coordinator for CVS?	10	Q. So in 2008, when you received this
11		11	from Ron Buzzeo, you were the CVS DEA
12	A. I believe I may have been.	12	Compliance Coordinator, correct? A. Correct.
13	Q. And at the time did you did you	13	
	condone, as CVS DEA Compliance Coordinator,	14	Q. And that's why Mr. Buzzeo was
14	the notion that, as indicated in this e-mail,		communicating with you, correct?
15	CVS should ensure there's no mention of	15	MR. BUSH: Objection.
16	outside outside vendor orders as	16	A. I can't answer that. I don't know why
17	suspicious? Do you agree with that?	17	he sent it.
18	MR. BUSH: Objection.	18	BY MR. BAKER:
19 20	A. I don't recall this.	19 20	Q. Mr. Buzzeo on the company that or
	Q. Do you agree that that is a position		strike that.
21	that should be taken by a CVS DEA Compliance	21	Mr. Buzzeo was affiliated with the
22	Coordinator, that "We should ensure there is	22	company that CVS had hired to help write
23	no mention of outside vendor orders as	23	suspicious order monitoring policies, correct?
24	suspicious"?	24	A. I don't know specifically what he was
	Page 231		Page 233
1	MR. BUSH: Objection.	1	hired for. I can't speak to what he was
2	A. I can't answer that because I don't	2	specifically hired for.
3	know the context.	3	Q. The e-mail says, "Amy, as we
4	BY MR. BAKER:	4	discussed, I've attached the DEA letters that
5	Q. Well, you're on the e-mail, so I'm	5	address suspicious orders. The letter dated
6	asking you the context.	6	12/07 is especially interesting."
7	A. I don't recall the e-mail.	7	And, of course, we've already gone
8		8	over the letter dated 12 of '07 because that's
9	(Exhibit No. 102 marked for	9	the one that we previously went over, December
10	identification.)	10	27, 2007. But there's also one dated February
11		11	7, 2007 and there's also one dated September
12	BY MR. BAKER:	12	27, 2006 attached to this e-mail, correct?
13	Q. Next is Exhibit No. 102. It is an	13	A. Correct.
14	e-mail from Ron Buzzeo to Amy Lynn Brown dated	14	Q. So let's just get it straight. There
15	2/21/08. It begins with Bates number 91508.	15	are three letters from the DEA attached to
16	It has an attachment of a DEA letter dated	16	this e-mail dated 2/21 of 2008 from Ron Buzzeo
17	September 27, 2006. And the last page on the	17	to you, correct?
18	Bates is 91518. Could you take a look at	18	A. Correct.
19	that, please?	19	Q. And those letters sequentially are
20	Now, this is an e-mail that is dated	20	dated September 27, 2006 that's the first
21	2/21/08 from Ron Buzzeo to Amy Lynn Brown.	21	letter. The second letter is dated February
22	That would be your last name at the time this	22	7, 2007 and the third letter is dated December
122	e-mail was written, correct?	23	27, 2007, correct?
23	o man was written, correct.	1	
24	A. Correct.	24	A. Correct.

			remer communication here.
	Page 234		Page 236
1	Q. So we know that the CVS DEA Compliance	1	looking at the letter dated September 27,
2	Coordinator, which is you, was aware of the	2	2006. I'm going to read this to you and I
3	contents of all three of these letters from	3	want you to tell me if I've accurately stated
4	the DEA that are dated as such, correct?	4	what this letter says.
5	MR. BUSH: Objection.	5	It says, "Background: The CSA was
6	A. I don't recall seeing this.	6	designed by congress to combat diversion by
7	BY MR. BAKER:	7	providing for a closed system of drug
8	Q. Well, they were sent to you to read,	8	distribution in which all legitimate handlers
9	correct?	9	of controlled substances must obtain a DEA
10	MR. BUSH: Objection.	10	registration and as a condition of maintaining
11	A. They were sorry, they were sent to	11	such registration must take reasonable steps
12	me. I can't recall if what I did or if I	12	to ensure that the registration is not being
13	read them.	13	utilized as a source of diversion."
14	Q. If you had received these letters from	14	Isn't that what it says?
15	the DEA, at least from Mr. Buzzeo, these he	15	A. Yes.
16	sent you these DEA letters on 2/21/08. And at	16	Q. So you know from reading this, you're
17	the time you were CVS DEA Compliance	17	informed by reading this, that the purpose of
18	Coordinator, didn't you have a duty to read	18	the Controlled Substances Act is, in part, to
19	these letters?	19	prevent diversion of narcotics, correct?
20	MR. BUSH: Objection.	20	MR. BUSH: Objection.
21	A. I can't answer if I did have a duty.	21	BY MR. BAKER:
22	I don't I don't know if I did.	22	Q. You know that from reading this,
23	Q. Didn't you part as the as part of	23	right?
24	your job have an obligation to make it your	24	MR. BUSH: Objection.
	Page 235		Page 237
1	business to read these letters from the DEA	1	A. (Witness reviews document.)
2	that were being sent to you by Mr. Buzzeo?	2	Yes. From reading this, it says that.
3	MR. BUSH: Objection.	3	BY MR. BAKER:
4	A. I don't recall receiving this e-mail.	4	Q. And this is something that was
5	BY MR. BAKER:	5	available for you to read, whether you did or
6	Q. Okay. Did these letters just have of	6	not, when it was sent to you February 21 of
7	_		not, when it was sent to you'l columny 21 of
	no concern to you?	7	2008, correct?
8	no concern to you? MR. BUSH: Objection.	7 8	· · · · · · · · · · · · · · · · · · ·
8 9	ř		2008, correct?
	MR. BUSH: Objection.	8	2008, correct? A. I don't recall it.
9	MR. BUSH: Objection. A. I don't remember this e-mail, so I	8	2008, correct? A. I don't recall it. Q. Go to the next page of that letter.
9	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me.	8 9 10	2008, correct? A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The
9 10 11	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER:	8 9 10 11	2008, correct? A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could
9 10 11 12	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER: Q. Have you ever seen these three letters	8 9 10 11 12	2008, correct? A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could highlight that in the subparagraph right below
9 10 11 12 13	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER: Q. Have you ever seen these three letters before?	8 9 10 11 12 13	2008, correct? A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could highlight that in the subparagraph right below it. This says, "The DEA regulations require all distributors to report suspicious
9 10 11 12 13 14	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER: Q. Have you ever seen these three letters before? A. I mean, I saw one earlier. I don't	8 9 10 11 12 13	2008, correct? A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could highlight that in the subparagraph right below it. This says, "The DEA regulations require all distributors to report suspicious orders of controlled substances, specifically
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9 10 11 12 13 14 15	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER: Q. Have you ever seen these three letters before? A. I mean, I saw one earlier. I don't I don't recall seeing them. Q. Okay. Well, let's just go over them,	8 9 10 11 12 13 14 15	2008, correct? A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could highlight that in the subparagraph right below it. This says, "The DEA regulations require all distributors to report suspicious orders of controlled substances, specifically
9 10 11 12 13 14 15 16 17	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER: Q. Have you ever seen these three letters before? A. I mean, I saw one earlier. I don't I don't recall seeing them. Q. Okay. Well, let's just go over them, if we could, beginning with the letter dated	8 9 10 11 12 13 14 15 16	A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could highlight that in the subparagraph right below it. This says, "The DEA regulations require all distributors to report suspicious orders of controlled substances, specifically the regulations within 21 CFR 1301.74 B, the registrant shall design and operate a system to disclose to the registrant suspicious
9 10 11 12 13 14 15 16 17	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER: Q. Have you ever seen these three letters before? A. I mean, I saw one earlier. I don't I don't recall seeing them. Q. Okay. Well, let's just go over them, if we could, beginning with the letter dated September 26, of 2007. It talks about the	8 9 10 11 12 13 14 15 16 17	A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could highlight that in the subparagraph right below it. This says, "The DEA regulations require all distributors to report suspicious orders of controlled substances, specifically the regulations within 21 CFR 1301.74 B, the registrant shall design and operate a system to disclose to the registrant suspicious orders of controlled substances. The
9 10 11 12 13 14 15 16 17 18	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER: Q. Have you ever seen these three letters before? A. I mean, I saw one earlier. I don't I don't recall seeing them. Q. Okay. Well, let's just go over them, if we could, beginning with the letter dated September 26, of 2007. It talks about the background on the first page. We go to background and we'll go to Paragraph 2 and talk about what the purpose of the Controlled	8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could highlight that in the subparagraph right below it. This says, "The DEA regulations require all distributors to report suspicious orders of controlled substances, specifically the regulations within 21 CFR 1301.74 B, the registrant shall design and operate a system to disclose to the registrant suspicious orders of controlled substances. The registrant shall inform the field division
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9 10 11 12 13 14 15 16 17 18 19 20 21	MR. BUSH: Objection. A. I don't remember this e-mail, so I don't know if they were of concern to me. BY MR. BAKER: Q. Have you ever seen these three letters before? A. I mean, I saw one earlier. I don't I don't recall seeing them. Q. Okay. Well, let's just go over them, if we could, beginning with the letter dated September 26, of 2007. It talks about the background on the first page. We go to background and we'll go to Paragraph 2 and talk about what the purpose of the Controlled	8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't recall it. Q. Go to the next page of that letter. And about halfway down it begins with, "The DEA regulations require." If you could highlight that in the subparagraph right below it. This says, "The DEA regulations require all distributors to report suspicious orders of controlled substances, specifically the regulations within 21 CFR 1301.74 B, the registrant shall design and operate a system to disclose to the registrant suspicious orders of controlled substances. The registrant shall inform the field division

24

Paragraph 2 starts with "thus CSA." We're

24

registrant. Suspicious orders include orders

	Page 240
3 orders of unusual frequency." 3 Q. And it's C	
	:
4 FD1 41 1 4 4 4 1 4 1 7 7 7 2 0 F	VS Bates number 57736
4 That's what that letter says, 4 through 57738. F	Please review that with me.
	s an e-mail from Frank
6 A. Yes. 6 Devlin who, at th	e time this was written in
7 Q. And so it gives you a clear definition 7 May of 2011, held	d what position with CVS?
	e was the Director of Loss
9 MR. BUSH: Objection. 9 Prevention.	
10 A. It gives a definition, yes. 10 Q. And Judith	Hughes, who at the time
Q. Okay. And the definition that they	held what position with CVS?
gave you is that suspicious orders include 12 A. I do not kn	now what her exact position
orders of unusual size, orders deviating was. I believe sh	e worked in loss prevention
substantially from a normal pattern, and lateral also.	
orders of unusual frequency, correct?	ou could highlight on the
16 A. Correct. 16 next page is it a	already highlighted under
Q. So tell me, how was it that you, as process of identification of the state of th	fying suspicious order"?
18 CVS DEA Compliance Coordinator, defined a 18 This is if	you look at the top,
suspicious order in the context of suspicious 19 it's talking about	the components of control
20 order monitoring? 20 IRR report, correct	ct?
21 MR. BUSH: Objection. 21 A. That's wha	t it says yes.
22 A. What was your question? 22 Q. Do you even	en know what a control IRR
23 BY MR. BAKER: 23 report is?	
Q. Tell me how you, as CVS DEA Compliance 24 A. I've never	seen one, that I can
Page 239	Page 241
1 Coordinator, defined a suspicious order within 1 recall.	
2 the CVS suspicious order monitoring system 2 Q. As CVS DI	EA Compliance Coordinator, at
the CVS suspicious order monitoring system while you were in your role as CVS DEA Q. As CVS DEA that time were you	ever presented with what a
the CVS suspicious order monitoring system while you were in your role as CVS DEA Compliance Coordinator. 2 Q. As CVS DEA that time were you control IRR report	-
the CVS suspicious order monitoring system while you were in your role as CVS DEA Compliance Coordinator. MR. BUSH: Objection. Q. As CVS DEA that time were you control IRR report like?	ever presented with what a t was or what it looked
the CVS suspicious order monitoring system while you were in your role as CVS DEA that time were you control IRR report MR. BUSH: Objection. A. I did not work with the SOM system.	ecall.
the CVS suspicious order monitoring system while you were in your role as CVS DEA compliance Coordinator. MR. BUSH: Objection. MR. I did not work with the SOM system. BY MR. BAKER: Q. As CVS DEA control IRR report like? A. Not that I re Q. As CVS DEA control IRR report Contr	ecall. EA Compliance Coordinator,
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	Page 242		Page 244
1	Q. So the way it was defined by CVS at	1	A. I see a definition for LAG. I don't
2	this time, according to this document, if the	2	see it saying it's CVS.
3	month-to-date quantity at least three times	3	BY MR. BAKER:
4	greater than the quantities in LAGs 1, 2 or 3,	4	Q. I want you to assume that this is a
5	three times greater, then that item is labeled	5	CVS document, okay?
6	as being suspicious; is that correct?	6	A. Uh-huh.
7	MR. BUSH: Objection.	7	Q. Assume that that definition LAG 1
8	A. That's what this says.	8	is the amount ordered the month before, LAG 2
9	BY MR. BAKER:	9	is the amount ordered two months before, and
10	Q. Now, go to the paragraph above that,	10	LAG 3 is the amount ordered three months
11	where it describes what a LAG is. If you look	11	before.
12	at the last two sentences of the components of	12	A. Uh-huh.
13	the control IRR report, it says, "The	13	Q. If you assume this is a CVS document,
14	month-to-date order quantity states the amount	14	then that gives you the definition of what
15	of the item in question ordered during the	15	LAGs are as it relates to CVS and the IRR
16	current month. LAG 1 is the amount ordered	16	report, correct?
17	the month before, LAG 2 is the amount ordered	17	MR. BUSH: Objection.
18	two months before, and LAG 3 is the amount	18	A. According to this, yes.
19	ordered three months before."	19	BY MR. BAKER:
20	Is that what it states?	20	Q. Okay. And then the next paragraph
21	A. That's what it says.	21	tells you how LAGs are used in order to
22	Q. So now you know what LAGs are,	22	determine what is or is not a suspicious order
23	correct?	23	by definition within CVS, correct?
24	MR. BUSH: Objection.	24	MR. BUSH: Objection.
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	Page 243	1	Do 22 245
	_		Page 245
1	BY MR. BAKER:	1	BY MR. BAKER:
2	BY MR. BAKER: Q. You know what they are from reading	2	BY MR. BAKER: Q. Do you not know the answer to that
2 3	BY MR. BAKER: Q. You know what they are from reading this now?	2	BY MR. BAKER: Q. Do you not know the answer to that question?
2 3 4	BY MR. BAKER: Q. You know what they are from reading this now? MR. BUSH: Objection.	2 3 4	BY MR. BAKER: Q. Do you not know the answer to that question? MR. BUSH: Objection.
2 3 4 5	BY MR. BAKER: Q. You know what they are from reading this now? MR. BUSH: Objection. A. All I know is this saying is LAG.	2 3 4 5	BY MR. BAKER: Q. Do you not know the answer to that question?
2 3 4	BY MR. BAKER: Q. You know what they are from reading this now? MR. BUSH: Objection. A. All I know is this saying is LAG. Q. Right. And this a CVS document,	2 3 4 5 6	BY MR. BAKER: Q. Do you not know the answer to that question? MR. BUSH: Objection. A. Yeah, I'm not familiar with this, so
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1	Page 246	1	Page 248
1	system at the time this was written? Do you	1 2	A. Was I present at the DC?
2	understand that		Q. When the Indianapolis distribution
3	MR. BUSH: Objection.	3	center was visited by the DEA in August of
4	BY MR. BAKER:	4	2013.
5	Q now?	5	A. Was I
6	MR. BUSH: I'm sorry, objection.	6	MR. BUSH: Present where?
7	BY MR. BAKER:	7	A at the distribution center?
8	Q. Yes or no?	8	BY MR. BAKER:
9	A. No. I don't know if this is how CVS	9	Q. Were you present at the distribution
10	identified it. It's not saying it's	10	center?
11	Q. According to this	11	A. No.
12	A the SOP.	12	Q. Did you participate in any way with
13	Q. According to this document, that's how	13	the DEA visit to the Indianapolis facility for
14	they defined a suspicious order, correct?	14	an inspection in August of 2013?
15	MR. BUSH: Objection.	15	A. No.
16	A. I don't know that to be true.	16	Q. Were you informed about the results of
17	BY MR. BAKER:	17	the DEA inspection of the Indianapolis
18	Q. Well, doesn't the document	18	facility distribution center facility from
19	specifically in plain English say it in plain	19	their August 13 visit?
20	words that you understand?	20	A. I don't recall.
21	MR. BUSH: Objection.	21	Q. Is that something that you, as CVS DEA
22	A. I don't see where it says this is the	22	Compliance Coordinator, would expect to be
23	CVS policy we're using to identify suspicious	23	informed about?
24	orders.	24	A. No.
	Page 247		Page 249
1	BY MR. BAKER:	1	Q. Let me make sure I understand. The
2	Q. If you assume this is what Frank	2	DEA, the Drug Enforcement agency, is visiting
3	Devlin attached to his e-mail, if you assume	3	a distribution center of a of CVS. At the
4	it's a CVS definition, then that's plain	4	time they're visiting the distribution center
5	English for you to say yes or no. Do you	5	of CVS, you are CVS DEA Compliance
6	understand it, yes or no?	6	Coordinator. Are you telling me that you
7	MR. BUSH: Objection.	7	don't have any knowledge of that or that
8	A. If I'm assuming it's an SOP, but it	8	you're not informed of it?
9	doesn't state that this is the operating	9	A. I may have been informed that there
10	procedure.	10	was someone auditing on-site, but I wasn't
11	Q. Do you understand the plain English of	11	involved in audits. It wasn't my area of
12	that sentence?	12	responsibility.
13	MR. BUSH: Objection.	13	Q. Were you involved, as CVS DEA
14	A. I understand the sentence.	14	Compliance Coordinator, with trying to
15	BY MR. BAKER:	15	understand the results of that visit?
16	Q. Is there anything ambiguous about that	16	A. No, I was not.
17	sentence to you?	17	Q. Was that of no concern to you as DEA
18	A. No, I understand the sentence.	18	Compliance Coordinator?
19	MR. BUSH: Objection.	19	A. It wasn't in my responsibilities.
20	BY MR. BAKER:	20	Q. Isn't the DEA visiting these
21	Q. Okay. Thank you. So let's move on.	21	facilities to determine compliance, or lack
22	Were you present at the time the	22	thereof, with DEA regulations?
23	Indianapolis facility was visited by the DEA	23	A. Was it my responsibility?
24	in August of 2013?	24	Q. Isn't that something the DEA is doing
	<u> </u>		

1			
1	Page 250		Page 252
1	when they're visiting these facilities?	1	Q. So let me have you review Exhibit 103
2	A. Is the DEA looking at compliance?	2	with me, if you would.
3	Q. Yes.	3	
4	A. Yes.	4	(Exhibit No. 103 marked for
5	Q. Okay. And you are the DEA Compliance	5	identification.)
6	Coordinator at the time, correct?	6	
7	A. Yes, that was my title.	7	BY MR. BAKER:
8	Q. But you're neither there at the time	8	Q. This is an e-mail dated May 15, 2014
9	the compliance visit is going on, correct?	9	from Andy Echt (phonetic)to John Mortelliti
10	A. Correct.	10	and Brian Morrison and Jerome Kerry (phonetic)
11	Q. Nor are you informed of the results of	11	and several other people on copy. Do you see
12	the compliance visit, correct?	12	that?
13	A. Correct.	13	A. Yes, I do.
14	Q. Nor did you even seek to try to	14	Q. Those are all CVS employees, correct?
15	determine the results of the DEA compliance	15	A. Yes.
16	visit, correct?	16	Q. And this deals with DEA closing
17	A. Not that I recall.	17	remarks relative to the DEA visit back in
18	Q. Now, these DEA compliance visits don't	18	August of 2013, correct?
19	occur every year, do they?	19	A. That's what it says, yes.
20	A. No. I believe they're random.	20	Q. And it says starts out, "Today, May
21	Q. The last time the Indianapolis	21	15, 2014, Dan Gillen, supervisor" that's
22	distribution center had been visited by the	22	DEA supervisor, correct?
23	DEA for a compliance visit before August 2013	23	A. I believe so.
24	was three years earlier, in 2010, correct?	24	Q "and Andrew Radcliffe,
	·		
	Page 251		Page 253
1	MR. BUSH: Objection.		
		1	investigator" that's DEA investigator,
2	A. I don't recall.	2	correct?
2 3	A. I don't recall. BY MR. BAKER:	2	correct? A. I believe so.
2 3 4	A. I don't recall.BY MR. BAKER:Q. About the time this August 2013 visit	2 3 4	correct? A. I believe so. Q "came in Indi to do their closing,"
2 3	A. I don't recall. BY MR. BAKER: Q. About the time this August 2013 visit was going on, this is the time that you, as	2	correct? A. I believe so. Q "came in Indi to do their closing," correct?
2 3 4	A. I don't recall. BY MR. BAKER: Q. About the time this August 2013 visit was going on, this is the time that you, as DEA Compliance Coordinator, was attempting to	2 3 4 5 6	correct? A. I believe so. Q "came in Indi to do their closing," correct? A. That's what it says, yes.
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2 3 4 5 6	A. I don't recall. BY MR. BAKER: Q. About the time this August 2013 visit was going on, this is the time that you, as DEA Compliance Coordinator, was attempting to	2 3 4 5 6	correct? A. I believe so. Q "came in Indi to do their closing," correct? A. That's what it says, yes. Q. Look down under the area of suspicious order monitoring at the bottom. Would you
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't recall. BY MR. BAKER: Q. About the time this August 2013 visit was going on, this is the time that you, as DEA Compliance Coordinator, was attempting to insert the SOM into the SOP for the first time; is that correct? MR. BUSH: Objection. A. I don't recall. BY MR. BAKER: Q. You don't recall if it was done as either a tool or a prop? You remember that e-mail? A. I don't recall. Q. You don't recall whether or not you were attempting to do it to make it look like it had been in existence and had been used as a tool at the time this August 2013 inspection was going on by the DEA? You don't recall that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I believe so. Q "came in Indi to do their closing," correct? A. That's what it says, yes. Q. Look down under the area of suspicious order monitoring at the bottom. Would you take a look at that? A. Yes. Q. Could you highlight that, those two bullets, for me, please? It says, "Suspicious order monitoring, DEA thought this process was not sufficient." Isn't that correct? A. That's what it says. Q. And this is the suspicious order monitoring process that you put into the SOP as a written policy beginning 8/25 of 2013, correct? MR. BUSH: Objection.
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	Page 254		Page 256
1	Q. Well, we're talking about a visit in	1	Q. Was your title a tool or a prop?
2	August of 2013 and we're talking about the SOM	2	MR. BUSH: Objection.
3	that you put into the SOP inserted into the	3	A. It was a tool.
4	SOP August 25 2013, correct?	4	BY MR. BAKER:
5	MR. BUSH: Objection.	5	Q. And how did you use that tool, as DEA
6	A. I updated the SOP in 2013.	6	Compliance Coordinator, to monitor suspicious
7	BY MR. BAKER:	7	orders? How did you personally use that tool
8	Q. Did you insert the SOM into the SOP	8	to monitor suspicious orders?
9	August 25, 2013, yes or no?	9	MR. BUSH: Objection.
10	A. Yes.	10	A. I was not responsible for suspicious
11	MR. BUSH: Objection.	11	orders.
12	BY MR. BAKER:	12	Q. So in actuality, calling you DEA
13	Q. Yes, you did, correct?	13	Compliance Coordinator was really a prop, was
14	A. Uh-huh, yes.	14	it not?
15	Q. And it what they're saying is that	15	A. No.
16	the DEA thought this process was not	16	MR. BUSH: Objection.
17	sufficient, correct, because they're looking	17	A. It was not.
18	at it and doing closing remarks many months	18	MR. BUSH: Please give me time
19	later, in 2014, correct?	19	to object.
20	A. Yes.	20	THE WITNESS: Sorry, sorry.
21	Q. Okay. By that time, there's been an	21	BY MR. BAKER:
22	opportunity to go see whether or not this is a	22	Q. What they said in this document at the
23	tool or whether or not it is a prop,	23	bottom these are people from CVS they
24	correct?	24	said, "Suspicious order monitoring, DEA
	D 255		D 257
1	Page 255	1	Page 257
1	MR. BUSH: Objection.	1	thought this process was not sufficient."
2	MR. BUSH: Objection. A. I'm sorry, I don't understand your	2	thought this process was not sufficient." Correct?
2 3	MR. BUSH: Objection. A. I'm sorry, I don't understand your question.	2 3	thought this process was not sufficient." Correct? A. That's what it says.
2 3 4	MR. BUSH: Objection. A. I'm sorry, I don't understand your question. BY MR. BAKER:	2 3 4	thought this process was not sufficient." Correct? A. That's what it says. Q. It talks about they question
2 3 4 5	MR. BUSH: Objection. A. I'm sorry, I don't understand your question. BY MR. BAKER: Q. Do you remember that e-mail about the	2 3 4 5	thought this process was not sufficient." Correct? A. That's what it says. Q. It talks about they question "There's a question on the number of inventory
2 3 4 5 6	MR. BUSH: Objection. A. I'm sorry, I don't understand your question. BY MR. BAKER: Q. Do you remember that e-mail about the tool versus the prop? Do you remember that?	2 3 4 5 6	thought this process was not sufficient." Correct? A. That's what it says. Q. It talks about they question "There's a question on the number of inventory that leaves our facility." Correct?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. BUSH: Objection. A. I'm sorry, I don't understand your question. BY MR. BAKER: Q. Do you remember that e-mail about the tool versus the prop? Do you remember that? A. Yes. Q. And the context of whether or not this SOM being inserted into the SOP, as timely as it was around the time that this August visit is going on by the DEA, was actually a tool or a prop? Do you remember that? MR. BUSH: Objection. BY MR. BAKER: Q. Do you remember that e-mail? MR. BUSH: Objection. A. I don't remember the tool or the prop referring to the SOM process. I remember the tool or the prop as in regards to you saying my title. Q. That, too. MR. BUSH: Objection.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	thought this process was not sufficient." Correct? A. That's what it says. Q. It talks about they question "There's a question on the number of inventory that leaves our facility." Correct? A. Yes, that's what it says. Q. And then on the next page, if you highlight that bullet, it says, "Concerned that their office did not receive any communication of suspicious ordering in the last three years." Is that correct? A. That's what it says. Q. Let's move on to the next one please. Now, you remember in this last exhibit I No. 103, there were questions on the number of inventory that leaves the facility, correct? A. Yes. Q. That would deal with quantity of narcotic drugs, correct? A. I believe that's what they're

	Page 258		Page 26
1	document that I'll mark as Exhibit No. 34.	1	A. Yes.
2		2	Q. If you highlight where it says,
3	(Exhibit No. 34 marked for	3	"quantity going out is concerning."
4	identification.)	4	Do you see that sentence where it
5		5	says, "QTY," which is a abbreviation for
6	BY MR. BAKER:	6	quantity, "going out is concerning"?
7	Q. It is Bates numbered 10529 through	7	Do you see that?
8	10532. And these are CVS documents because	8	A. Yes, I do.
9	they're Bates-stamped as such. You recognize	9	Q. Let's move to the next document.
0	that, correct?	10	Q. Zovo mo vo vo uno mono documento.
1	MR. BUSH: Recognize what?	11	(Exhibit No. 33 marked for
2	A. The document or the stamp?	12	identification.)
3	BY MR. BAKER:	13	identification.)
4	Q. The CVS stamp at the bottom?	14	BY MR. BAKER:
5	A. Yeah. The stamp, yes.	15	Q. This is Exhibit Number give me
6	Q. And you know that to mean that these	16	second to find the exhibit number. This w
7	document were produced to the plaintiffs	17	
8	• •	18	be Exhibit No. 35 I'm sorry, it's going to
9	counsel during the discovery phase of this	19	be Exhibit No. 33.
0	cases in response to our request for	20	Are you familiar with the concept of
	production? You know that, right?		doing physical inventories of narcotic drug
1	A. Yes.	21	at distribution centers?
2	Q. So the U.S. Department of Justice, DEA	22	A. Yes, I'm familiar with the concept.
3	employees, the investigators and supervisor	23	Q. Is that part of what you do?
4	and diversion investigator who came to the	24	A. Did I do physical inventories? No.
	Page 259		Page 26
1	Indianapolis facility, their cards are	1	Q. Is that part of your job, to monitor
2	attached to that first page of that document,	2	that, as DEA Compliance Coordinator?
3	correct?	3	A. No.
4	A. Correct.	4	Q. If you would go to page 2 of that
5	Q. And then these are handwritten notes,	5	document, it is at the bottom it is Bates
6	correct?	6	number 10558. Could you pull that one up
7	A. Correct.	7	please?
8	Q. And it talks about this is being	8	So if you look at the inventory of CV
9	generated by a CVS employee, correct?	9	Indiana, that's what this is, CVS Indiana,
		10	LLC. And that's the distribution center that
0	MR. BUSH: Objection.	1	EEC. This that is the distribution center the
	A. I can't tell from this.	11	we're talking about that was being
1	J	11	we're talking about that was being
1 2	A. I can't tell from this. MR. BUSH: What's the date of		we're talking about that was being
1 2 3	A. I can't tell from this. MR. BUSH: What's the date of this?	12	we're talking about that was being investigated by the DEA in August of 201 correct?
1 2 3 4	A. I can't tell from this. MR. BUSH: What's the date of this? THE WITNESS: 5/14/14.	12 13	we're talking about that was being investigated by the DEA in August of 201 correct? A. Yes, correct.
1 2 3 4 5	A. I can't tell from this. MR. BUSH: What's the date of this? THE WITNESS: 5/14/14. MR. BAKER: 5/14/14, consistent	12 13 14	we're talking about that was being investigated by the DEA in August of 201 correct? A. Yes, correct. Q. And that's the one that in the
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1 2 3 4 5 6 7 8	A. I can't tell from this. MR. BUSH: What's the date of this? THE WITNESS: 5/14/14. MR. BAKER: 5/14/14, consistent with when the closing was done that we discussed in just the prior e-mail. BY MR. BAKER: Q. You remember the closing remarks?	12 13 14 15 16 17 18	we're talking about that was being investigated by the DEA in August of 201 correct? A. Yes, correct. Q. And that's the one that in the closing statements, there was a suggestion that there was concern about the quantity of product leaving that distribution center, correct?
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1 2 3 4 5 6 7 8 9 0	A. I can't tell from this. MR. BUSH: What's the date of this? THE WITNESS: 5/14/14. MR. BAKER: 5/14/14, consistent with when the closing was done that we discussed in just the prior e-mail. BY MR. BAKER: Q. You remember the closing remarks? A. Yes. Q. So I'd like you to look at the last	12 13 14 15 16 17 18 19 20 21	we're talking about that was being investigated by the DEA in August of 201 correct? A. Yes, correct. Q. And that's the one that in the closing statements, there was a suggestion that there was concern about the quantity of product leaving that distribution center, correct? A. That's MR. BUSH: Objection.
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.00 .1 .2 .3 .4 .5 .6 .7 .8 .9 .9 .9 .9 .9 .2 .2 .2 .2 .2 .2 .2 .2 .2 .2 .2 .2 .2	A. I can't tell from this. MR. BUSH: What's the date of this? THE WITNESS: 5/14/14. MR. BAKER: 5/14/14, consistent with when the closing was done that we discussed in just the prior e-mail. BY MR. BAKER: Q. You remember the closing remarks? A. Yes. Q. So I'd like you to look at the last	12 13 14 15 16 17 18 19 20 21	we're talking about that was being investigated by the DEA in August of 2011 correct? A. Yes, correct. Q. And that's the one that in the closing statements, there was a suggestion that there was concern about the quantity of product leaving that distribution center, correct? A. That's MR. BUSH: Objection.

	Daga 262	1	Dana 264
	Page 262	1	Page 264
1	Q. Yes. And if you look at this quantity	1	two products on hand in the inventory,
2	of initial inventory beginning in the upper	2	correct?
3	right-hand column on 12/31/05 and that's	3	MR. BUSH: Objection.
4	the initial inventory. The ending inventory	4	A. I can't answer that.
5	is 8/28/06.	5	BY MR. BAKER:
6	Do you see that?	6	Q. Now, let's fast-forward to 2012.
7	A. Yes.	7	In 2012, if you go to the initial
8	MR. BUSH: Objection.	8	inventory, 8/5/12 and then highlight the
9	BY MR. BAKER:	9	inventory 8/5/13 and then you follow those
10	Q. Do you see that right here?	10	columns down sequentially, if you highlight
11	A. Yes.	11	the numbers below 8/25/12 and highlight the
12	Q. Yes?	12	numbers below 8/5/13, that's the report
13	A. Yes.	13	this is the physical inventory done at CVS
14	Q. Okay. It talks about controlled	14	Indiana on those dates, correct?
15	substances hydrocodone 7.5, 500 milligrams,	15	MR. BUSH: Objection.
16	then below that is hydrocodone 10, 650	16	BY MR. BAKER:
17	milligrams, both Schedule III narcotics,	17	Q. Yes?
18	correct?	18	A. Correct.
19	A. Correct.	19	Q. And it talks about hydrocodone 7.5,
20	Q. And it says that there were 1,920	20	325 milligrams, which is Schedule III, that
21	bottles of these on hand, 12/31 of '05,	21	this is these are 100-count bottles and
22	correct?	22	that at the beginning inventory, 8/25/12,
23	MR. BUSH: Objection.	23	there's 36,187 whereas at the ending
24	A. Yes, that's what it says.	24	inventory, 8/5/13, it's increased to 58,784,
	Ti. Tes, that's what it says.		inventory, or er re, it is interessed to early in
	D 0.00		D 065
	Page 263	1	Page 265
1	BY MR. BAKER:	1	correct?
2	BY MR. BAKER: Q. What does COB stand for?	2	correct? MR. BUSH: Objection.
2 3	BY MR. BAKER: Q. What does COB stand for? A. I don't know.	2	correct? MR. BUSH: Objection. A. That's what it says.
2 3 4	BY MR. BAKER: Q. What does COB stand for? A. I don't know. Q. And then it says 3,735 were all of a	2 3 4	MR. BUSH: Objection. A. That's what it says. BY MR. BAKER:
2 3 4 5	BY MR. BAKER: Q. What does COB stand for? A. I don't know. Q. And then it says 3,735 were all of a sudden there on 8/28 of '06, correct?	2 3 4 5	MR. BUSH: Objection. A. That's what it says. BY MR. BAKER: Q. Okay. And then it talks about
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2 3 4 5 6 7	BY MR. BAKER: Q. What does COB stand for? A. I don't know. Q. And then it says 3,735 were all of a sudden there on 8/28 of '06, correct? MR. BUSH: Objection. A. Yes.	2 3 4 5 6 7	orrect? MR. BUSH: Objection. A. That's what it says. BY MR. BAKER: Q. Okay. And then it talks about hydrocodone 5, 325 milligrams. The beginning inventory, 8/25/12 is 26,654 and the ending
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BAKER: Q. What does COB stand for? A. I don't know. Q. And then it says 3,735 were all of a sudden there on 8/28 of '06, correct? MR. BUSH: Objection. A. Yes. BY MR. BAKER: Q. So roughly double the inventory is there at that point, just from the period of 12/31/05 to 8/28/06, correct? MR. BUSH: Objection. A. Yes. BY MR. BAKER: Q. And then it talks about the tablets for hydrocodone 10, 650 milligrams, increasing from 12/31/05, 4,520 bottles to 6,693 bottles, 8/28/06, correct? MR. BUSH: Objection. BY MR. BAKER: Q. Correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. BUSH: Objection. A. That's what it says. BY MR. BAKER: Q. Okay. And then it talks about hydrocodone 5, 325 milligrams. The beginning inventory, 8/25/12 is 26,654 and the ending inventory, 8/5/13, is 101,192 bottles, correct? MR. BUSH: Objection. A. That's what it says. BY MR. BAKER: Q. Then it talks about hydrocodone 10, 500 milligrams, there were zero bottles of that at the beginning inventory, 8/25/12, and then 8/5 of '13, there's 6,083 bottles, correct? MR. BUSH: Objection. A. That's what it says. BY MR. BAKER: Q. And this is this is the same month

Page 266 Page 268 1 MR. BUSH: Which is the same 1 Q. Let's move to Exhibit No. 92. 2 2 month. There's multiple dates on this. 3 3 BY MR. BAKER: (Exhibit No. 92 marked for 4 4 Q. 8/5 of '13 is August of '13 which is identification.) 5 the same month we've been talking about that 5 6 6 the DEA paid Indi a visit, correct? BY MR. BAKER: 7 7 A. Yes. Q. Exhibit No. 92 is an e-mail dated July 8 8 Q. And so this is the same time frame 10, 2012 from Pamela Hinkle to Ronald 9 that we're seeing substantial increases in the 9 McCreery, is that correct? At e-SupplyLink, 10 inventory of hydrocodone combination products 10 is that correct? With a copy to John Andretti 11 between August of 2012 and August of '13, 11 and a blind copy to Pamela Hinkle, correct? 12 12 according to this document, correct? A. Where are we looking? 13 A. I can't say it's a substantial 13 Q. Yes, that's the top. 14 increase. 14 A. Not on mine. I don't think I have the 15 Q. Well, it's -- it's a notable increase, 15 right -- I think I'm missing a page or 16 16 something. Is that the right one? is it not? 17 A. It's an increase. I can't say if it's 17 MR. BUSH: Maybe --18 substantial. 18 MR. BAKER: No, that's the wrong 19 19 Q. Well, when you increase from zero of one. 20 20 hydrocodone 10, 500 milligrams -- zero bottles MR. BUSH: I've got the second 21 21 to 6,083 bottles, that's a substantial copy of what I think you were intending to 22 22 increase, is it not? give her. Do you want to put a mark on it? 23 23 MR. BAKER: Let me do this. I'm A. It may not have been carried in the 24 24 sorry, let me re-mark it. This is Exhibit 92. previous year. Page 267 Page 269 1 Q. When you increase the hydrocodone 5, 1 2 325 milligrams, 100-count bottles from 26,654 2 BY MR. BAKER: 3 in August of 2012 to a count of 101,192 3 Q. If you look at the e-mail at the 4 4 bottles in August of 2013, that's a bottom there, it's an e-mail July 10, 2012 5 substantial increase, is it not? 5 from John Andretti to Pamela Hinkle, 6 A. I can't say if it's substantial. I 6 correct? 7 7 don't know the factors and how many stores A. Correct. 8 they're servicing at each time. 8 Q. All right. It says, "There are 18 CVS 9 Q. Is this the inventory that was on hand 9 distribution centers. 11 are DEA licensed to 10 10 when the DEA paid a visit to Indi -- to the ship controlled substances III through V. CVS does not ship Schedule II products," correct? 11 Indianapolis distribution center in August of 11 12 2013? 12 That's what it says? 13 13 A. Correct. MR. BUSH: Objection. 14 14 A. I can't speak to that. I wasn't Q. Then if you turn over to the next 15 15 page, under volume of orders, it says, "Volume there. 16 16 of orders, Rx controls, Schedule III through V BY MR. BAKER: 17 17 Q. The count on that I want to correct and PSE comprises 30,000 to 40,000 line 18 because I'm looking at the transcript. The 18 items." 19 count of the bottles from 8/25/12 was 26,654 19 And then it says, "No. 2, front store 20 bottles, the count on 8/5 of 2013 was 101,192 20 Rx promo, et cetera, total approximately to 21 21 six to eight million records nightly." bottles; is that correct? 22 22 MR. BUSH: Objection. Is that correct? 23 A. That's what this says. 23 A. That's what it says, yes. 24 24 Q. That's what's going on in the BY MR. BAKER:

distribution centers nightly; is that correct? Ourset? A. Lean't speak to what this means. BY MR. BAKER: Ourset is peaks to the volume of the orders that are being processed out of the distribution centers for CVS, does it not? MR. BUSH: Objection. A. I do not know. MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. MR. BUSH: Objection. A. I don't know MR. BUSH: Objection. A. I don't know what the concept of due diligence? A. I don't know what due diligence is in the context of implementing an SOM policy? A. I don't know what context of implementing an SOM policy? A. I didn't did not manage SOMs, so, no, I don't know what CVS did or failed to do with respect to due diligence during the entire time that you were the CVS DEA Compliance Coordinator, true? A. I did not manage SOMs, so I do not know what CVS did or failed to do with respect to due diligence during the entire time that you were the CVS DEA Compliance Coordinator, true? A. I did not manage SOMs, so I do not		Page 270		Page 272
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9 MR. BAKER: Yes. 9 during the entire time that you were the CVS 10 BY MR. BAKER: 10 DEA Compliance Coordinator, true? 11 Q. So whether you got the e-mail or not 11 is not a valid objection. I'm just asking 12 know what they did. 13 about your reiteration of the volume that's 13 Q. Okay. Earlier you were asked several 14 questions about whether or not you could audit 15 a system that was not already in place, 16 that? 16 specifically referencing the suspicious order 17 A. I understand what you're saying. 18 Q. Okay. 18 the that was put into the standard 19 operating procedure 8/25/10. Do you recall 19 volume of orders of approximately six to eight 19 million records nightly; is that correct? 19 don't think that's an accurate account of what 19 the questions were, but				
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going out of your distribution centers of the company that you work for. Do you understand that? A. I understand what you're saying. Q. Okay. A. But Q. So what we're talking about is a volume of orders of approximately six to eight million records nightly; is that correct? MR. BUSH: Objection. 14 questions about whether or not you could audit a system that was not already in place, specifically referencing the suspicious order monitoring system that was first put into 15 a system that was not already in place, specifically referencing the suspicious order monitoring system that was first put into 16 that? 17 monitoring system that was first put into the standard operating procedure 8/25/10. Do you recall that line of questions? 20 that line of questions? 21 MR. BUSH: I object to that. I don't think that's an accurate account of what the questions were, but				•
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A. I understand what you're saying. Q. Okay. A. But Q. So what we're talking about is a volume of orders of approximately six to eight million records nightly; is that correct? MR. BUSH: Objection. 17 monitoring system that was first put into the standard operating procedure 8/25/10. Do you recall that line of questions? 20 that line of questions? 21 MR. BUSH: I object to that. I don't think that's an accurate account of what the questions were, but				
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A. That's what this e-mail says. 24 MK. BAKEK: Til withdraw the		•		
	44	A. That's what this e-mail says.	4	MIK. BAKEK: I II WITHOUTH THE

	3 1		-
	Page 274		Page 276
1	question.	1	please? Go to the portion that has
2	BY MR. BAKER:	2	Subparagraph B at the bottom.
3	Q. Let me show you Exhibit No. 100.	3	Now, you see there where it talks
4		4	about suspicious order monitoring. It says,
5	(Exhibit No. 100 marked for	5	"These parameters are documented in SOP," and
6	identification.)	6	then it's blank.
7		7	And then it says, "Order quantity
8	BY MR. BAKER:	8	parameters for controlled drugs," then it
9	Q. This is an e-mail by you dated 8/26 of	9	says, "developed and written," correct?
10	'08. Have you seen this e-mail before?	10	A. That's what it says.
11	A. I don't recall it.	11	Q. So there was no SOM to insert into the
12	Q. Do you recall sending this e-mail?	12	SOP as of 2/20/09. It's because you were
13	A. I don't recall.	13	working on it, correct?
14	Q. Did you send this e-mail?	14	A. I can't say that I was working on it.
15	A. This says I did. I don't recall.	15	People were working on it.
16	Q. Does it look like you sent this	16	Q. Who is "we"?
17	e-mail? Is that your name, Amy Propatier?	17	A. I said people were working on it.
18	A. Yes.	18	MR. BUSH: Excuse me, I'm just
19	Q. And is this referencing the final DEA	19	trying to understand the document which
20	SOP of 2008?	20	looks I'm not sure I've got what this
21	A. That's what it looks like it's	21	looks like a
22	referencing, yes.	22	THE WITNESS: It's the just a
23	Q. There was no suspicious order	23	portion of the SOP.
24	monitoring program described in the DEA SOP of	24	MR. BAKER: Correct.
	Page 275		Page 277
1	2008, correct?	1	MR. BUSH: Right, but the I
2	A. Correct.	2	got two pages.
3	Q. In fact, this e-mail says it doesn't	3	MR. BAKER: Here you go, here,
4	include SOM, which is suspicious order	4	here. That's what you should be looking at.
5	monitoring, because we were still working on	5	THE WITNESS: It's just a
6	that piece, correct?	6	portion. They just pulled out a page. They
7	A. That's what it says.	7	didn't print the full SOP.
8	Q. Let's move to Exhibit No. 101.	8	MR. BUSH: Why does it have the
9		9	same Bates number for two different pages
10	(Exhibit No. 101 marked for	10	though?
11	identification.)	11	MR. BAKER: I do not know.
12		12	MR. BUSH: 90582, whatever.
13	BY MR. BAKER:	13	MR. BAKER: It's probably a
14	Q. This is an e-mail dated 2/24/09 from	14	pullout, 90582.
15	you, Amy Propatier, correct	15	MR. BUSH: Okay.
		1	
16	A. Yes.	16	MR. BAKER: The Bates number
	A. Yes.Q to Laura Miranda; is that correct?	16 17	MR. BAKER: The Bates number 90581, 582, and 90620. So there's not the
16 17			
16 17 18	Q to Laura Miranda; is that correct?	17	90581, 582, and 90620. So there's not the
16 17 18 19	Q to Laura Miranda; is that correct?A. She's cc'd on it.	17 18	90581, 582, and 90620. So there's not the same.
16 17 18 19 20	Q to Laura Miranda; is that correct?A. She's cc'd on it.Q. And in that e-mail it says, "Regarding	17 18 19	90581, 582, and 90620. So there's not the same. MR. BUSH: Yeah, it's not sequential. I don't know what's going on, but
16 17 18 19 20 21	 Q to Laura Miranda; is that correct? A. She's cc'd on it. Q. And in that e-mail it says, "Regarding the DEA SOP 2/20/09." It says, "Attached is the Rx SOP." 	17 18 19 20	90581, 582, and 90620. So there's not the same. MR. BUSH: Yeah, it's not sequential. I don't know what's going on, but it's okay.
16	Q to Laura Miranda; is that correct?A. She's cc'd on it.Q. And in that e-mail it says, "Regarding the DEA SOP 2/20/09." It says, "Attached	17 18 19 20 21	90581, 582, and 90620. So there's not the same. MR. BUSH: Yeah, it's not sequential. I don't know what's going on, but

		_	200
1	Page 278 to insert into the SOP, 2/20/09, correct?	1	Page 280
2	A. SOM document.	2	Q. And of course, on the next page, it
			says, "We are still in the process of writing
3	Q. Correct. It's being worked on at that	3	the suspicious order monitoring section of the
4	time, correct?	4	SOP. We will forward it once it is
5	A. Document, correct.	5	completed," correct?
6	Q. Correct?	6	A. Yeah, correct.
7	A. Correct.	7	Q. So we know historically now that there
8	Q. If you go back to 2007, we'll look at	8	was no suspicious order monitoring document
9	Exhibit No. 99.	9	that was inserted into the SOP at 2007,
10		10	correct?
11	(Exhibit No. 99 marked for	11	A. For this SOP, no.
12	identification.)	12	Q. We know, from looking at Exhibit 101
13		13	that I just showed you, as of 2/24/09, when
14	BY MR. BAKER:	14	there was a DEA SOP dated 2/20/09, that there
15	Q. This is an e-mail dated November 28,	15	was no suspicious order monitoring document
16	2007 from Amy Lynn Brown to James Morris,	16	inserted into that SOP either, correct?
17	correct?	17	A. Correct.
18	A. Yes.	18	Q. Because it was being developed and
19	Q. That's when you were going by the last	19	written, correct?
20	name Brown before you took the name Propatier,	20	A. The written portion, yes.
21	correct?	21	Q. And we know that from the documents
22	A. Correct.	22	presented today that there was no suspicious
23	Q. And this is regarding the new Rx DEA	23	order monitoring system in a written form put
24	SOP, correct?	24	into the SOP, the standard operating
			into the 501, the standard operating
	Page 279		Page 281
1	A. Yes, correct.	1	procedure, until August 25 of 2010, correct?
2	Q. And the reason it's new is because	2	A. The written portion, right, 2010.
3	there wasn't one in existence beforehand,	3	MR. BUSH: Do you want a break?
4	correct?	4	THE WITNESS: We can keep
5	A. This SOP, no.	5	going.
6	Q. And it says that at the bottom it	6	MR. BAKER: I'm going to take a
7	says, from Amy Lynn Brown, Tuesday, November	7	break.
8	27, 2007. It says, "In late August, we meet	8	THE VIDEOGRAPHER: The time is
9	to review a new SOP in development for the DEA	9	3:23 p.m. and we're off the record.
10	and controlled drug process," correct?	10	-
11	A. Correct.	11	(Recess taken from 3:23 p.m.
12	Q. This is August of when or late	12	to 3:37 p.m.)
13	August we meet should it have said "in late	13	······································
14	August we met"? Is that what it probably	14	THE VIDEOGRAPHER: The time is
15	should have said?	15	3:37 p.m. and we're on the record.
16	A. It's probably what it should have	16	BY MR. BAKER:
17	said.	17	Q. We're back on record. William Baker.
18	Q. It says, "Not all Rx DCs had a	18	I'm talking to Amy Propatier.
19	representative at the meeting, so I'm	19	• •
20	-	20	Ms. Propatier, I'm going to show you
	forwarding a copy for your review. We are		what's marked as Exhibit 78.
21	looking to implement the new SOP in early	21	(E 1.11.4 N - 70 - 1 - 1.6
22	December."	22	(Exhibit No. 78 marked for
23	That's what it says, correct?	23	identification.)
24	A. Correct.	24	

1	Daga (187)		
1	Page 282	1	Page 284
1 2	MR. BAKER: Excuse me, we're	1	settlement agreement with Long Island?
2	back on the record. If you all could put your	2	MR. BAKER: I'm sorry, let me
3	phones on mute, we would appreciate it. Could	3	repeat the question.
4	you do that, please?	4	BY MR. BAKER:
5	MR. BUSH: I have some extra	5	Q. This is Document No. 60839. It's part
6	documents from you at one point.	6	of Exhibit 78 composite. It's a settlement
7	(Pause in proceedings.)	7	agreement with CVS for violations that
8	MR. BAKER: Back on the record.	8	occurred in Nassau and Suffolk counties in
9	BY MR. BAKER:	9	Long Island in the State of New York.
10	Q. Ms. Propatier, I handed you Exhibit	10	Do you see that?
11	78. This is a settlement agreement.	11	MR. BUSH: Objection. Go ahead.
12	Have you ever seen this settlement	12	A. Yes, I see it.
13	agreement before?	13	BY MR. BAKER:
14	A. No.	14	Q. This resulted in a fine of \$1.5
15	Q. The first one is Bates Number 60805.	15	million to CVS regarding thefts and losses of
16	Do you see that? It's a settlement agreement	16	controlled substances and, in particular,
17	with in Maryland with a CVS entity that was	17	hydrocodone.
18	fined \$8 million for dispensing drugs with no	18	Are you familiar with this?
19	valid prescription.	19	A. No, I am not.
20	Do you see that?	20	Q. Were you informed about this
21	MR. BUSH: Objection.	21	settlement agreement when it occurred?
22	A. I don't see where it says that, I'm	22	A. No, I was not.
23	sorry.	23	Q. The date on this settlement agreement,
24	BY MR. BAKER:	24	on Bates No. 60846, is June 15 2018. What was
	DT WIR. BITTER.		on Bates 110. 000 10, is saile 13 2010. What was
	Page 283		Page 285
1	Q. Have you ever seen this settlement	1	your position with the company at that point?
2	agreement before?	2	A. I'm sorry, June 15 2018?
3	MR. BUSH: Objection.	3	Q. Yes, ma'am.
4	A. No, I have not.		
	A. No, I have not.	4	A. Pharmacy inventory manager.
5	BY MR. BAKER:	5	
5 6			A. Pharmacy inventory manager.
	BY MR. BAKER:	5	A. Pharmacy inventory manager.Q. Did you cease to be CVS DEA Compliance
6	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator,	5	A. Pharmacy inventory manager.Q. Did you cease to be CVS DEA Compliance Coordinator?
6 7	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement	5 6 7	A. Pharmacy inventory manager.Q. Did you cease to be CVS DEA ComplianceCoordinator?A. Yes.
6 7 8	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement?	5 6 7 8	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August
6 7 8 9	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not.	5 6 7 8 9	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see
6 7 8 9 10	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being	5 6 7 8 9	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that?
6 7 8 9 10	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for	5 6 7 8 9 10	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes.
6 7 8 9 10 11 12	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a	5 6 7 8 9 10 11	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between
6 7 8 9 10 11 12 13	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical	5 6 7 8 9 10 11 12	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office
6 7 8 9 10 11 12 13	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes?	5 6 7 8 9 10 11 12 13	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of
6 7 8 9 10 11 12 13 14	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes? MR. BUSH: Objection.	5 6 7 8 9 10 11 12 13 14	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of the United States DEA.
6 7 8 9 10 11 12 13 14 15	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes? MR. BUSH: Objection. A. No, I am not. BY MR. BAKER:	5 6 7 8 9 10 11 12 13 14 15	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of the United States DEA. Do you see that in the first paragraph?
6 7 8 9 10 11 12 13 14 15 16	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes? MR. BUSH: Objection. A. No, I am not. BY MR. BAKER: Q. Let me ask you to look at the next	5 6 7 8 9 10 11 12 13 14 15 16	 A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of the United States DEA. Do you see that in the first
6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes? MR. BUSH: Objection. A. No, I am not. BY MR. BAKER: Q. Let me ask you to look at the next one. It's Bates number 60839. This is a	5 6 7 8 9 10 11 12 13 14 15 16 17	A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of the United States DEA. Do you see that in the first paragraph? A. Oh, all right, sorry. Yes, I see that.
6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes? MR. BUSH: Objection. A. No, I am not. BY MR. BAKER: Q. Let me ask you to look at the next one. It's Bates number 60839. This is a settlement agreement with Long Island,	5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of the United States DEA. Do you see that in the first paragraph? A. Oh, all right, sorry. Yes, I see that. Q. And this is related to filling
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes? MR. BUSH: Objection. A. No, I am not. BY MR. BAKER: Q. Let me ask you to look at the next one. It's Bates number 60839. This is a settlement agreement with Long Island, New York.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of the United States DEA. Do you see that in the first paragraph? A. Oh, all right, sorry. Yes, I see that. Q. And this is related to filling prescriptions without a legitimate medical
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes? MR. BUSH: Objection. A. No, I am not. BY MR. BAKER: Q. Let me ask you to look at the next one. It's Bates number 60839. This is a settlement agreement with Long Island, New York. Have you ever seen this document?	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of the United States DEA. Do you see that in the first paragraph? A. Oh, all right, sorry. Yes, I see that. Q. And this is related to filling prescriptions without a legitimate medical purpose on October 2013 through March of 2015
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. BAKER: Q. As CVS DEA Compliance Coordinator, were you ever told about this settlement agreement? A. No, I was not. Q. Okay. Are you familiar with CVS being fined that amount of money, \$8 million, for dispensing controlled substances without a valid prescription for legitimate medical purposes? MR. BUSH: Objection. A. No, I am not. BY MR. BAKER: Q. Let me ask you to look at the next one. It's Bates number 60839. This is a settlement agreement with Long Island, New York.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Pharmacy inventory manager. Q. Did you cease to be CVS DEA Compliance Coordinator? A. Yes. Q. The next agreement is dated 7, August 2015. It's Bates number 60847. Do you see that? A. Yes. Q. It's a settlement agreement between CVS and the United States Attorney's Office for the District of Rhode Island on behalf of the United States DEA. Do you see that in the first paragraph? A. Oh, all right, sorry. Yes, I see that. Q. And this is related to filling prescriptions without a legitimate medical

Ι.	Page 286		Page 288
1	Are you familiar with this?	1	MR. BUSH: Objection. I think
2	A. I am not.	2	that misstates the dates in the record.
3	Q. Were you at the time that	3	MR. BAKER: I think
4	investigation was going on, between October of	4	MR. BUSH: I'm looking at the
5	2013 and March 2015, the CVS DEA Compliance	5	same document you are.
6	Coordinator?	6	MR. BAKER: Let me go back on
7	A. I left that position in February of	7	record. The objection's well taken.
8	2014.	8	BY MR. BAKER:
9	Q. During a portion of the time, were you	9	Q. If you look at Page 2 of the
10	then CVS DEA Compliance Coordinator at least	10	agreement, Paragraph F, it says, "The United
11	between October 2013 and the month of '14 that	11	States contends that in early 2012 DEA
12	this investigation was going on?	12	Sacramento Field Division noticed an increased
13	A. Yes.	13	number of thefts and unexplained losses of
14	Q. The violation is according to this	14	hydrocodone, a Schedule III controlled
15	agreement is for filling prescription without	15	substances, at that time reported by numerous
16	a valid without valid DEA numbers	16	EDCA CVS pharmacy retail stores."
17	associated with the prescriptions.	17	Do you see that?
18	Are you familiar with that?	18	A. I see that.
19	A. I am not.	19	Q. And do you remember earlier I was
20	Q. And these were for Class III drugs or	20	showing you a document where 68,000
21	Schedule III drugs, which are hydrocodone.	21	hydrocodone pills had disappeared?
22	Did you know that?	22	Do you remember that?
23	MR. BUSH: Objection.	23	A. I remember that.
24	A. I did not.	24	Q. Here's another example of it occurring
			<u> </u>
	Page 287	1	Page 289
1	Q. And the fine was \$450,000. Are you	1	in California, correct?
2	familiar with that, according to this	2	MR. BUSH: Objection.
3	agreement?	3	BY MR. BAKER:
4	A. I am not.	4	Q. Is that correct?
5	() The next is a settlement agreement		AD DIVIDIA OF S
	Q. The next is a settlement agreement	5	MR. BUSH: Objection.
6	Bates 60856. And this is a settlement	6	A. It's showing a theft.
6	Bates 60856. And this is a settlement agreement between CVS and the Eastern District	6	A. It's showing a theft. BY MR. BAKER:
6 7 8	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug	6 7 8	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion?
6 7 8 9	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United	6 7 8 9	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection.
6 7 8 9	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America.	6 7 8 9	 A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information.
6 7 8 9 10	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America. Do you see that in the first paragraph	6 7 8 9 10	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information. BY MR. BAKER:
6 7 8 9 10 11	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America. Do you see that in the first paragraph there?	6 7 8 9 10 11 12	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information. BY MR. BAKER: Q. Okay. If you look at Paragraph G, it
6 7 8 9 10 11 12	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America. Do you see that in the first paragraph there? A. Yes.	6 7 8 9 10	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information. BY MR. BAKER: Q. Okay. If you look at Paragraph G, it says, "United States contends that the
6 7 8 9 10 11 12 13	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America. Do you see that in the first paragraph there? A. Yes. Q. And the document describes the	6 7 8 9 10 11 12 13	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information. BY MR. BAKER: Q. Okay. If you look at Paragraph G, it says, "United States contends that the violations were failure to maintain Schedule
6 7 8 9 10 11 12	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America. Do you see that in the first paragraph there? A. Yes. Q. And the document describes the violations as theft and unexplained losses of	6 7 8 9 10 11 12	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information. BY MR. BAKER: Q. Okay. If you look at Paragraph G, it says, "United States contends that the violations were failure to maintain Schedule III to V invoices, failure to maintain
6 7 8 9 10 11 12 13	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America. Do you see that in the first paragraph there? A. Yes. Q. And the document describes the violations as theft and unexplained losses of hydrocodone reported by numerous CVS stores in	6 7 8 9 10 11 12 13 14 15	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information. BY MR. BAKER: Q. Okay. If you look at Paragraph G, it says, "United States contends that the violations were failure to maintain Schedule III to V invoices, failure to maintain Schedule III to V records separate from
6 7 8 9 10 11 12 13 14 15	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America. Do you see that in the first paragraph there? A. Yes. Q. And the document describes the violations as theft and unexplained losses of hydrocodone reported by numerous CVS stores in early 2012 in the State of California.	6 7 8 9 10 11 12 13 14	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information. BY MR. BAKER: Q. Okay. If you look at Paragraph G, it says, "United States contends that the violations were failure to maintain Schedule III to V invoices, failure to maintain
6 7 8 9 10 11 12 13 14 15 16	Bates 60856. And this is a settlement agreement between CVS and the Eastern District of California on behalf of the Drug Enforcement Administration for the United States of America. Do you see that in the first paragraph there? A. Yes. Q. And the document describes the violations as theft and unexplained losses of hydrocodone reported by numerous CVS stores in	6 7 8 9 10 11 12 13 14 15	A. It's showing a theft. BY MR. BAKER: Q. Is that diversion? MR. BUSH: Objection. A. I don't have enough information. BY MR. BAKER: Q. Okay. If you look at Paragraph G, it says, "United States contends that the violations were failure to maintain Schedule III to V invoices, failure to maintain Schedule III to V records separate from
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Page 290 1 received on DEA 222 forms. CVS failed to 2 maintain DEA 222 forms and CVS failed to 3 maintain DEA 222 forms separate from other 4 records." 5 Do you see those are the violations 6 recorded? 7 MR. BUSH: Excuse me, objection. 8 Those are this is contentions of the U.S. 1 A. I yeah, I see they settle agreement. 2 agreement. 3 Q. The next one is a settler that begins on Bates number 6 settlement agreement entered in United States of America acting United States Department of Junited States	Page 292 led into an
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6 recorded? 6 United States of America acting MR. BUSH: Excuse me, objection. 7 United States Department of June 1981	
7 MR. BUSH: Excuse me, objection. 7 United States Department of June 1981	
· • • • • • • • • • • • • • • • • • • •	ng through the
8 Those are this is contentions of the U.S. 8 DEA for the New England Fie	
9 BY MR. BAKER: 9 Office of Diversion, collective	ly the United
Q. Do you see those are the contentions 10 States and CVS Pharmacy, Inc.	e., hereafter
within the settlement agreement? 11 referred to as the parties."	
12 A. I see that. 12 Do you see that?	
Q. And do you have any reason to disagree 13 A. I see.	
that CVS committed those contentious 14 Q. And it talks about the C	VS being a
15 violations? 15 Rhode Island corporation, head	dquarters located
MR. BUSH: Objection. 16 in Woonsocket, Rhode Island.	
A. Do I have any reason to believe what, 17 Do you see that?	
18 I'm sorry? 18 A. Yes, I do.	
19 BY MR. BAKER: 19 Q. That's where you work;	is that
Q. CVS did not commit those violations 20 right?	
21 within those contentions. 21 A. It is.	
A. I don't know enough about this to 22 Q. Were you not familiar v	vith this
23 answer that. 23 settlement agreement?	
Q. Do you see that on Page 60859 of 24 A. I don't recall ever seeing	g this.
Page 291	Page 293
that agreement that CVS was fined \$5 million 1 Q. You see that on the te	•
for those contentions of violations? 2 settlement agreement, on Par	
3 MR. BUSH: Objection. 3 "No later than ten days after	
4 A. I see a settlement agreement for 4 which this agreement is sign	
5 5,000. 5 CVS shall pay the United Sta	
6 Q. \$5 million? 6 Do you see that?	αι ο 5 φε <i>ι</i> ε ππηση.
7 A. I mean, 5 million. 7 A. I see that.	
8 Q. It says, "In consideration of the 8 Q. And these were for all	leged violations
9 obligations of the parties set forth in this 9 of the Controlled Substances	-
settlement agreement, CVS shall pay to the 10 Are you familiar with t	
United States the total sum of \$5 million 11 MR BUSH: Obie	
omed states the total sam of \$5 minor	- TOIMHOID:
within fourteen days after the effective date 12 A. Am I familiar with the	
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frage 294 forged prescriptions is referred to below as the covered conduct." Do you see that? A. I see that. Q. And that's what CVS was fined \$3.5 inlilion for in this settlement agreement; is that correct? MR. BUSH: Objection. BY MR. BAKER: Q. That's what CVS — MR. BUSH: Let her finish the answer, okay. MR. BAKER: She said she didn't know. BY MR. BAKER: She said she didn't know. MR. BUSH: Correct — MR. BUSH: Objection. MR. BUSH: Objection. MR. BUSH: Objection. MR. BUSH: Objection. Page 295 A. I mean, I'm not really sure what I'm reading, so I can't say. MR. BUSH: Objection. Page 295 A. I mean, I'm not really sure what I'm reading, so I can't say. MR. BAKER: Q. Well, the agreement will speak for itself, but it does say, "No later than ten days after the date on which this agreement is signed by all parties, CVS shall pay the United States \$3.5 million." Does it not say that? A. It does say that. Q. The next is an agreement stipulated acting on behalf of the DEA. A. It does say that. Do you see that? A. I do. Q. And daso includes, in the settlement agreement; is that correct? Pharmacy Goff II, Corpus Christi, Texas and it gives its DEA registration number; CVS Pharmacy in Portuac, treas and ting its exity of the DEA registration number; CVS Pharmacy in Portuac, Texas and it gives its DEA registration number; CVS Pharmacy in Forgus CYS Pharmacy in Torpus Christi, Texas and it gives its DEA registration number; CYS Pharmacy in Forgus CYS Pharmacy in Torpus Christi, Texas and it gives its DEA registration number; CYS Pharmacy in Forgus		D 201		D 200
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15	13	answer, okay.	13	Q. It says here describes the civil
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United States \$3.5 million." Does it not say that? DEA registration number; CVS Pharmacy 07004 in Corpus Christi, Texas, gives DEA registration; CVS Pharmacy in Portland, Texas and it gives its DEA registration; CVS Pharmacy in Portland, Texas and it gives and it gives its DEA registration; CVS Pharmacy in Portland, Texas and it gives its DEA registration; CVS Pharmacy in Corpus Christi, Texas and it gives and it gives its DEA registration; CVS Pharmacy in Corpus Christi, Texas and it gives the DEA registration number; CVS Pharmacy in Corpus Christi, Texas; CVS Pharmacy in Corpus Christi, Texas; CVS Pharmacy 02580 in Corpus Christi, it gives its DEA registration number; and CVS Pharmacy oroporate headquarters are in Woonsocket, Phode Island." Do you see that? Do you see that? Do you see that? A. Yes. Q. And that's where you work; is that Pharmacy 06911, Corpus Christi, Texas, gives DEA registration; CVS Pharmacy in Corpus Christi, Texas and it gives the DEA registration number; CVS Pharmacy in Corpus Christi, Texas; CVS Pharmacy 02580 in Corpus Christi, it gives its DEA registration number; and CVS Pharmacy oroporate headquarters are in Woonsocket, Phode Island." Do you see that? A. Yes. Q. And that's where you work; is that The pharmacy 06911, Corpus Christi, Texas, and it gives its DEA registration; CVS Pharmacy in Corpus Christi, Texas, and it gives its DEA registration number; CVS Pharmacy in Corpus Christi, Texas; Pharmacy or CVS Pharmacy in Corpus Christi, Texas, or CVS Pharmacy in Corpus Christi, Texas, or CVS Pharmacy in Corpus Christi, Texas, or CVS Pharmacy or Corpus Christi, Texas, or CVS Pharmacy in Corpus Christi, Texas, or CVS Pharmacy in Corpus Christi, Texas, or CVS Pharmacy in Corpus Christi, Texas, or CVS Pharmacy or Corpus Christi, Texas, or CVS Phar	6	days after the date on which this agreement is	6	
9 that? 10 A. It does say that. 11 Q. The next is an agreement stipulated 12 September 2, 2014, between United States of 13 America and the Southern District of Texas 14 acting on behalf of the DEA. 15 Do you see that? 16 A. I do. 17 Q. And also includes, in the settlement 18 agreement, "CVS Pharmacy, Inc., whose 19 corporate headquarters are in Woonsocket, 19 Rhode Island." 20 PDEA registration number; CVS Pharmacy in Portland, Texas 21 and it gives its DEA registration; CVS 22 pharmacy in Corpus Christi, Texas and it gives 23 Q. And that's where you work; is that 29 DEA registration number; CVS Pharmacy in Portland, Texas 20 Corpus Christi, Texas and it gives 21 Dea registration; CVS Pharmacy in Corpus Christi, Texas and it gives 22 The DEA registration number; CVS Pharmacy in Corpus Christi, Texas; CVS Pharmacy 02580 in Corpus Christi, it gives 29 its DEA registration number; and CVS Pharmacy 20 o7080 in Robstown, Texas, giving its CVS 21 Did you see those listed pharmacies 22 where the alleged violations occurred within 23 the agreement?	7	signed by all parties, CVS shall pay the	7	registration number," and it gives it; CVS
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A. I do. Q. And also includes, in the settlement agreement, "CVS Pharmacy, Inc., whose corporate headquarters are in Woonsocket, Rhode Island." Do you see that? A. Yes. Q. And also includes, in the settlement agreement, "CVS Pharmacy, Inc., whose tits DEA registration number; and CVS Pharmacy 07080 in Robstown, Texas, giving its CVS registration number. Did you see those listed pharmacies where the alleged violations occurred within 23 Where the agreement?	15	_	15	
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corporate headquarters are in Woonsocket, Rhode Island." Do you see that? A. Yes. Q. And that's where you work; is that 19 07080 in Robstown, Texas, giving its CVS registration number. Did you see those listed pharmacies where the alleged violations occurred within the agreement?	18		18	
20 Rhode Island." 21 Do you see that? 22 A. Yes. 23 Q. And that's where you work; is that 20 registration number. 21 Did you see those listed pharmacies 22 where the alleged violations occurred within 23 the agreement?		•		-
Do you see that? A. Yes. Q. And that's where you work; is that Did you see those listed pharmacies where the alleged violations occurred within the agreement?				
A. Yes. Q. And that's where you work; is that 22 where the alleged violations occurred within the agreement?				_
Q. And that's where you work; is that 23 the agreement?		•		
	122	11. 100.	1 -	where the aneset violations occurred within
COHCU!			23	the agreement?
	23	Q. And that's where you work; is that		_

_	, ,		4
	Page 298		Page 300
1	Q. And it says "The above detailed	1	(Recess taken from 3:56 p.m.
2	actions were in violation of 21 U.S.C. 829 and	2	to 3:57 p.m.)
3	842, A.1, and the applicable regulations	3	
4	promulgated thereunder," correct?	4	THE VIDEOGRAPHER: The time
5	MR. BUSH: You're asking whether	5	is 3:57 p.m. We're on the record.
6	it says that?	6	
7	BY MR. BAKER:	7	CROSS-EXAMINATION
8	Q. Does it say that?	8	BY MR. GOETZ:
9	A. I'm sorry, where does	9	Q. Good afternoon, Ms. Propatier. I will
10	Q. It says that "Above detailed actions	10	only be a few minutes. Who is Ron Link?
11	were in violation of 21 U.S.C, Section 829 and	11	A. Ron Link was the vice president of
12	842, A.1."	12	logistics.
13	Does it say that?	13	Q. Pretty high-up individual at CVS?
14	A. It does say that.	14	A. Yes.
15	Q. And under the terms and conditions, it	15	Q. And what is VAWD?
16	says that under Paragraph 13, "CVS will pay	16	A. Verified accredited wholesale
17	the sum of \$1,912,500 to the United States by	17	distributor.
18	electronic funds transfer pursuant to written	18	Q. And the CVS distribution centers would
19	instructions provided by the United States,"	19	want to be VAWD certified, correct?
20	correct?	20	A. Correct.
21	A. It does say that.	21	Q. And that was a big deal, correct?
22	Q. Were you informed about this when you	22	A. It was it was nice to have.
23	were CVS DEA Compliance Coordinator?	23	Q. And, in fact, some states, it's
24	A. No, I was not.	24	necessary in order to distribute drugs. Are
	·		
1	Page 299	1	Page 301
2	Q. Were you informed, while you were CVS	1 2	you aware of that? A. I'm not sure.
3	DEA Compliance Coordinator, that there were	3	Q. Do you remember, in 2010, when CVS had
4	violations in the State of Florida alleged by	4	a problem with its VAWD certification?
5	the United States DEA through the Department	5	•
6	of Justice against Florida distribution	6	A. I don't recall.
7	centers related to failure to timely and	7	Q. Do you are you aware that VAWD
	detect and report suspicious orders?		resurveys the facilities every three years?
8	A. Not that I recall.	8	A. Yes.
9	Q. Were you aware that \$22 million fine	9	Q. And so if there was a survey in mid to
10	was issued against CVS for those violations in	10	late 2010, we can assume that the earlier
11	Florida?	11	survey was mid to late 2007, correct?
12	A. Not that I recall.	12	A. I would imagine, yes.
13	Q. Has CVS been guilty of diversion with	13	Q. I'm going to show you what's been
14	respect to hydrocodone combination products	14	marked as Exhibit 203 and 223. And I
15	during the past six years?	15	apologize, I only have two copies. I haven't
16	A. I can't answer that. I don't know.	16	marked it.
17	MR. BAKER: I'm going to turn it	17	
18	over to my partner and I'm finished with my	18	(Exhibit No. 223 marked for
19	questions.	19	identification.)
20	THE WITNESS: Thank you.	20	
	THE VIDEOGRAPHER: The time is	21	VOICE: Is there a Bates number?
21			
21 22	3:56 p.m. We're off the record.	22	MR. GOETZ: There is a Bates
	3:56 p.m. We're off the record.	22	MR. GOETZ: There is a Bates number, 66963.

1	Page 302	1	Page 304
2	MR. BUSH: To 66966.	2	issues that have to be resolved?
3	BY MR. GOETZ:	3	A. Uh-huh.
4	Q. Are you done reviewing it? Take your	4	Q. Correct?
5	time.	5	A. Yes.
6	A. (Witness reviews document.) Yeah.	6	Q. And the last e-mail of the string is
7	Q. Did you have a chance to review	7	actually from Frank Devlin. Do you see that?
8	that?	8	A. The at the very top?
9	A. I looked at it, yes.	9	Q. Yes.
10	Q. Do you recognize that document?	10	A. Yes.
11	A. I don't recall it.	11	Q. It's to Ron Link, correct?
12	Q. It's an e-mail that you are copied on,	12	A. Uh-huh, yes.
13	at least part of the string, correct?	13	Q. And it says, "VAWD items," correct?
14	A. Yes.	14	A. Yes.
15	Q. And it's an e-mail related to the VAWD	15	Q. And it has an importance of high?
16	recertification where CVS was having problems		A. Yes.
17	with VAWD recertification, correct?	17	Q. And if you're sending something to Ron
18	A. I don't know if it's problems, but it	18	Link who's high up at CVS, it has to be
19	talks about, yes, recertification.	19	important if you're sending it high
20	Q. Well I'm sorry, did I cut you off?	20	importance. Do you agree?
21	A. No, no, I'm okay.	21	A. I don't know if I disagree, so.
22	Q. If you let's instead of going	22	Q. Did you send much e-mail to Ron Link?
23	through all three pages, if you	23	A. I've sent him e-mails. I can't recall
24	A. Yeah.	24	specifically how many or what they regarded,
1	Page 303	1	Page 305
1 2	Q look at 66965A. Okay.	1 2	but I did send him e-mails.
3	Q there's an e-mail from Paul Hamby.	3	Q. It was unusual?
4	Do you know who Paul Hamby is?	4	A. I don't know I wouldn't say if it was unusual.
5	A. I don't recall who he is.	5	Q. Okay. It says this is what Frank
6	Q. Do you know who Cegedim is?	6	says: "Ron, we need to get our VAWD
7	A. I don't think that's how you say it,	7	recertification completed. Amy is continuing
8	but you've seen the name, yeah.	8	to run into issues. I have enlisted Buzzeo's
9	Q. Do you know how to say it?	9	group to work with her, Frank."
10	A. I think they say it Cegedim, Cegedim	10	Can you tell me what issues you were
11	Dendrite.	11	running into?
12	Q. We've been call it CCS because I don't	12	A. I don't recall.
13	know how to say it.	13	Q. Do you remember that a report was
	1110 11 110 11 10 buj 16.		generated?
14	A. Don't worry.	14	
	A. Don't worry. O. It's Paul Hamby to Frank Devlin. And	15	•
14	Q. It's Paul Hamby to Frank Devlin. And		A. I remember they gave, like, a report.
14 15	Q. It's Paul Hamby to Frank Devlin. And it says, "Hi, Frank. I understand you guys	15	A. I remember they gave, like, a report.Q. Okay. And do you remember what that
14 15 16	Q. It's Paul Hamby to Frank Devlin. And it says, "Hi, Frank. I understand you guys may need some help with NABP/VAWD. I think I	15 16	A. I remember they gave, like, a report. Q. Okay. And do you remember what that report said?
14 15 16 17	Q. It's Paul Hamby to Frank Devlin. And it says, "Hi, Frank. I understand you guys may need some help with NABP/VAWD. I think I understand from Ron you need assistance with	15 16 17	A. I remember they gave, like, a report.Q. Okay. And do you remember what that
14 15 16 17 18	Q. It's Paul Hamby to Frank Devlin. And it says, "Hi, Frank. I understand you guys may need some help with NABP/VAWD. I think I understand from Ron you need assistance with resolving some items to get your VAWD renewals	15 16 17 18	A. I remember they gave, like, a report.Q. Okay. And do you remember what that report said?A. I don't recall.
14 15 16 17 18	Q. It's Paul Hamby to Frank Devlin. And it says, "Hi, Frank. I understand you guys may need some help with NABP/VAWD. I think I understand from Ron you need assistance with resolving some items to get your VAWD renewals processed."	15 16 17 18 19	A. I remember they gave, like, a report.Q. Okay. And do you remember what that report said?A. I don't recall.(Exhibit No. 224 marked for
14 15 16 17 18 19 20	Q. It's Paul Hamby to Frank Devlin. And it says, "Hi, Frank. I understand you guys may need some help with NABP/VAWD. I think I understand from Ron you need assistance with resolving some items to get your VAWD renewals processed." Did I read that correctly?	15 16 17 18 19 20	A. I remember they gave, like, a report.Q. Okay. And do you remember what that report said?A. I don't recall.
14 15 16 17 18 19 20 21	Q. It's Paul Hamby to Frank Devlin. And it says, "Hi, Frank. I understand you guys may need some help with NABP/VAWD. I think I understand from Ron you need assistance with resolving some items to get your VAWD renewals processed."	15 16 17 18 19 20 21	A. I remember they gave, like, a report.Q. Okay. And do you remember what that report said?A. I don't recall.(Exhibit No. 224 marked for

1	Page 306	1	Page 308
1 2	marked as Exhibit 224 and it is Bates	1	product, not controlled product there.
	number begins at 66969. Do you recognize	2	Q. So what is the difference?
3	that document as the VAWD report?	3	A. They're nonregulated. They're just
4	A. Yes. It looks like a VAWD report,	4	regular noncontrolled drugs.
5	yes.	5	Q. I appreciate that. I didn't know
6	Q. And this is a VAWD report from	6	that.
7	September 16 of 2010, correct?	7	A. Yeah, that's C6s.
8	A. Yes.	8	Q. Does this at all relate, this
9	Q. And it relates to different facilities	9	document was any of the VAWD certification
10	CVS distribution facilities, correct?	10	related to the controlled substances?
11	A. I think it relates to Indianapolis,	11	MR. BUSH: You want her to look
12	but it says "Indianapolis" at the top, yes.	12	through the whole document?
13	Q. And could you go to feel free to	13	BY MR. GOETZ:
14	read the whole thing, if you want. I have	14	Q. Or do you remember?
15	time.	15	A. Do any of their
16	A. Where did you want me to go?	16	Q. Yes. Do you remember that?
17	Q. Could you go to 66972, please? And,	17	A. (Witness reviews document.)
18	the last block where it says, "reviewer	18	Q. Let me ask you a question.
19	comments"?	19	A. Yes.
20	A. Yes.	20	Q. We can maybe make this quicker.
21	Q. And those are comments that are	21	A. Yes.
22	actually made by VAWD, correct?	22	Q. Is it your understanding that VAWD
23	A. I don't recall.	23	requirements would require your SOP to contai
24	Q. I think if you read the whole	24	a section on prescription products?
	Page 307		Page 309
1	structure of this document, that would become	1	A. Yes
2	apparent?	2	Q. Okay. And
3	A. Okay.	3	A or its own SOP.
4	Q. But here's what it says. Could you	4	Q. And was that ever changed?
5	read that into the record?	5	A. I don't recall.
6	A. Starting at the that bullet?	6	Q. Was there a separate SOP for
7	Q. Yeah, where it says "applicant," yes.	7	prescription products ever?
8	A. "Applicant has provided a response	8	A. I don't remember.
9	that inventory controls are addressed in drug	9	MR. GOETZ: That is all I have.
10	enforcement administration SOP, 8/25/10. This	10	Thank you for clearing that up.
11	is a well-written document, but it does not	11	THE WITNESS: Oh, thank you.
12	address prescription products for	12	MR. BUSH: Anybody else? All
13	authentication of order suspicious orders,	13	done?
14	reporting of suspicious orders, losses, record	14	MR. BAKER: I'm done.
15	retention, and the entire disposal process	15	MIC. DANIELO. THI GOIC.
16	including documentation and witnessing."	16	(Exhibit No. 62 marked for
17	Q. And so part of the VAWD problem	17	identification.)
18		18	identification.)
	does this refresh your recollection since you	19	THE VIDEOGRAPHER: The time
10	were working on this Ron Link, who's high	20	
19 20		4 0	4:07 p.m. This deposition has concluded and
20	up, was aware of it part of the VAWD issue	21	rue one off the near and
20 21	was that their feeling that suspicious and	21	we are off the record.
20 21 22	was that their feeling that suspicious and reporting of suspicious orders were	22	
20 21	was that their feeling that suspicious and		we are off the record. (Deposition concluded at 4:07 p.m.)

	Page 310		Page 312
1	CERTIFICATION	1	CORRECTION PAGE
2	I, DARLENE M. COPPOLA, a Notary Public, do hereby	2	DEPONENT: AMY PROPATIER
3	certify that AMY PROPATIER, after having satisfactorily	3	DATE TAKEN: NOVEMBER 29, 2018
4	identifying herself, came before me on the 29th day of	4	CASE: NATIONAL PRESCRIPTION OPIATE LITIGATION
5	November, 2018 in Providence, Rhode Island, Massachusetts,	5	****************
6	and was by me duly sworn to testify to the truth and	6	PAGE / LINE / SHOULD READ/REASON
7	nothing but the truth as to her knowledge touching and	7	/
8	concerning the matters in controversy in this cause; that	8	
9	she was thereupon examined upon her oath and said	9	/
10	examination reduced to writing by me; and that the	10	/
11	statement is a true record of the testimony given by the	11	/
12	witness, to the best of my knowledge and ability.	12	/
13	I further certify that I am not a relative or	13	/
14	employee of counsel/attorney for any of the parties, nor a	14	/
15	relative or employee of such parties, nor am I financially	15	/
16	interested in the outcome of the action.	16	/
17	WITNESS MY HAND THIS 2nd day of December, 2018.	17	/
18		18	/
19		19	
20		20	
21	DARLENE M. COPPOLA My commission expires:	21	
22	NOTARY PUBLIC November 11, 2022	22	
23	REGISTERED MERIT REPORTER	23	
24	CERTIFIED REALTIME REPORTER	24	/
24	CERTIFIED REFEETIVE REFORTER	24	
	Page 311		
1	IN THE UNITED STATES DISTRICT COURT		
2	FOR THE NORTHERN DISTRICT OF OHIO		
3	EASTERN DIVISION		
4			
5	**********		
7	IN RE:		
8	NATIONAL PRESCRIPTION OPIATE		
	LITIGATION		
9			
	This document relates to:		
10			
	All cases		
11	********		
12	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		
13	I, AMY PROPATIER, say that I have read the		
14	foregoing deposition and hereby declare under penalty of		
15	perjury the foregoing is true and correct:		
16	(as prepared) (as corrected on errata.)		
17	Executed this day of 20,		
18	at		
19			
20			
21			
22	AMY PROPATIER		
24	AMITIOTATIEN		
1		1	l l